

SUPREME COURT OF THE UNITED STATES.

MONDAY, OCTOBER 14, 1907.

The court met pursuant to law.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day, and Mr. Justice Moody.

The Chief Justice said:

By immemorial usage, as the gentlemen of the bar are well aware, the court does not enter upon general business on the first day of the term. Motions noticed for the first day stand over to the second, and on the latter day the call of the docket is commenced. The court ordinarily adjourns at once in order to enable its members to pay their respects, in a body, to the President of the United States. It has sometimes happened that the President is absent, and in that case the court takes matters that parties are prepared to submit; and that is the situation now.

The usual order as to the call of the docket will be entered, and applications not objected to as to the day will be entertained.

George Marvin Savage of Seattle, Wash., H. Winship Wheatley of Washington, D. C., John S. Wilson of Boston, Mass., Frank Healy of Minneapolis, Minn., Charles P. Abbey of Chicago, Ill., Horace L. B. Atkisson of Washington, D. C., John C. Higgins of Seattle, Wash., John J. O'Connell of New York City, Blewett Lee of Chicago, Ill., Vallandigham B. Baggott of New York City, George Ryall of New York City, Robbins P. Anderson of Honolulu, Hawaii, Marshall Van Winkle of Jersey City, N. J., Frederick S. Tyler of Washington, D. C., Augustine L. Humes of New York City, Andrew B. Duvall of Washington, D. C., F. A. Durham of Zanesville, Ohio, John Mason Brown of Louisville, Ky., R. S. Hall of Omaha, Nebr., F. E. Dycus of Fort Worth, Tex., Richard W. Ruffin of Chicago, Ill., W. L. Stanley of Honolulu, Hawaii, William R. Begg of St. Paul, Minn., Thomas R. Benton of St. Paul, Minn., Emmet H. Wilson of Los Angeles, Cal., Oscar C. Mueller of Los Angeles, Cal., Sam Ferry Smith of San Diego, Cal., Charles H. Bates of Washington, D. C., Andrew R. Sheriff of Chicago, Ill., Allan D. Cole of Maysville, Ky., and Edwin A. Wilcox of San Jose, Cal., were admitted to practice.

No. 5, Original. The United States of America, complainant, *v.* John F. Shipp et al. Reports of Commissioner James D. Maher, and stipulations of counsel as to facts, testimony, and misnomer of certain defendants filed, and testimony ordered to be opened and published, on motion of Mr. Assistant Attorney-General Sanford for the complainant.

No. 17. Edgar Jadwin et al., plaintiffs in error, *v.* The State of Texas. Passed, to be restored to the call pursuant to the provisions of section 9, rule 26, on motion of Mr. Assistant Attorney-General Sanford for the plaintiffs in error.

No. 24. The United States *v.* A. Graf Distilling Company. Passed, to be restored to the call pursuant to the provisions of section 9, rule 26, on motion of Mr. Assistant Attorney-General Cooley for the United States.

No. 404. The United States, plaintiff in error, *v.* Neil Macdonald. Advanced, to be heard with No. 238, as in one case, on motion of Mr. Assistant Attorney-General Cooley for the plaintiff in error.

Nos. 110 and 111. White-Smith Music Publishing Co., appellant, *v.* Apollo Company. Petition of the Connorized Music Company for leave to file brief and make oral argument herein submitted by Mr. Albert H. Walker in that behalf. Petition of Victor Herbert for leave to file brief and make oral argument herein submitted by Mr. Nathan Burkan in that behalf.

No. 245. El Paso and Southwestern Railroad Company, plaintiff in error, *v.* H. D. Vizard. Motions to dismiss or affirm submitted by Mr. W. H. Robeson in behalf of Mr. George E. Wallace for the defendant in error.

No. 380. Mollie E. Dupree et al., petitioners, *v.* C. W. Mansur. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit. Submitted by Mr. J. J. Darlington for the petitioners and by Mr. J. M. McCormick for respondent.

No. 389. Dietrich Loewe et al. *v.* Martin Lawlor et al. Motions for a writ of certiorari to bring up the whole record and cause and to advance submitted by Mr. Daniel Davenport for Loewe et al.

No. 442. George G. Ware, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. Daniel Davenport in behalf of Mr. T. J. Mahoney for the petitioner, and by Mr. Solicitor-General Hoyt for the respondent.

No. 257. Timothy F. Paddell, plaintiff in error, *v.* The City of New York. Motion to advance submitted by Mr. Everett V. Abbot for the plaintiff in error.

No. 133. A. R. Stuart, plaintiff in error, *v.* The United States. In error to the supreme court of the Philippine Islands. Dismissed, on motion of Mr. L. T. Michener for the plaintiff in error.

No. 168. James H. Chapman, trustee, etc., appellant, *v.* Abner T. Bowen. Motion to dismiss or affirm submitted by Mr. L. T. Michener in behalf of Mr. M. Winfield for the appellee in support of motions and by Mr. Harry R. Kurrie for the appellant in opposition thereto.

No. 461. Contractors' Supply and Equipment Company et al., petitioners, *v.* T. E. Hill Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh

circuit submitted by Mr. Rufus H. Thayer in behalf of Mr. Lloyd C. Whetman for the petitioners, and Mr. Charles P. Abbey for the respondents.

No. 479. Great Southern Gas and Oil Company, petitioner, *v.* Logan Natural Gas and Fuel Company. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. A. R. Sheriff and Mr. Wm. B. Sanders for the petitioner, and by Mr. James H. Beal, Mr. C. H. Grosvenor, Mr. John G. Reeves, and Mr. M. A. Daugherty for the respondent.

No. 464. *Ætna Indemnity Company*, petitioner, *v.* James R. Crowe Coal and Mining Company. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. W. B. Homer and Mr. James S. Batsford for the petitioner, and by Mr. L. C. Boyle and Mr. Wm. F. Guthrie for the respondent.

No. 456. Milo H. Osborn, petitioner, *v.* The Atchison, Topeka and Santa Fe Railway Company. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. A. A. Hoehling, jr., for the petitioner, and by Mr. Gardner Lathrop, Mr. Robert Dunlap, and Mr. A. B. Browne for the respondent.

No. —, Original. *Ex parte*: In the matter of Thomas B. Clement, petitioner. Motion for leave to file petition for a writ of mandamus submitted by Mr. Jackson H. Ralston in behalf of counsel for petitioner.

No. 101. The Missouri Valley Land Co. et al., plaintiffs in error, *v.* Asmus Wiese; and

No. 102. The Missouri Valley Land Co. et al., plaintiffs in error, *v.* Carston Wrich.

Motions to dismiss or affirm submitted by Mr. E. F. Calladay in support of motions, and by Mr. Charles A. Clark in opposition thereto.

No. 320. The Chesapeake and Ohio Railway Co. et al., plaintiffs in error, *v.* Emma R. McCabe, admx., etc.; and

421. The Chesapeake and Ohio Railway Co. et al., plaintiffs in error, *v.* Jno. McDonald, admr., etc.

Motions to advance under the thirty-second rule submitted by Mr. A. D. Cole for the defendants in error.

No. 232. Duluth and Superior Bridge Company, appellant, *v.* Steamer Troy, etc. Motion to advance submitted by Mr. A. B. Browne in behalf of counsel for the appellant.

No. 466. Henry Wineman, jr., petitioner, *v.* M. M. Drake et al. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. A. B. Browne in behalf of Mr. Charles E. Kresner for the petitioner, and by Mr. Harvey D. Goulder and Mr. Frank S. Masten for the respondents.

No. 476. The Charles Nelson Company, claimant, etc., petitioner, *v.* The Standard Theater Company. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. A. B. Browne and Mr. Alexander Britton for the petitioner.

No. 48. Napoleon B. Dotson, plaintiff in error, *v.* William A. Milken. Passed, to be restored to the call pursuant to section 9, rule 26, on motion of Mr. A. S. Worthington for the plaintiff in error.

No. 453. The Baltimore and Ohio Railroad Company, petitioner, *v.* James B. McCune. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. Robert J. Fisher for the petitioner, and by Mr. James W. Martin for the respondent.

Nos. 4 and 5. United Land Association et al., plaintiffs in error, *v.* Louis Abrahams et al. Passed, to be restored to the call pursuant to the provisions of section 9, rule 26, on motion of Mr. Charles H. Bates in behalf of counsel for the defendants in error.

No. 14, October Term, 1906. James Buck, trustee, etc., plaintiff in error, *v.* William E. Beach, treasurer, etc. Motion for leave to present a petition for rehearing submitted by Mr. W. R. Wood for the defendant in error.

No. 33. George Deslions et al., petitioners, *v.* La Compagnie Generale Transatlantique, owner, etc. Passed temporarily, on motion of Mr. Edward K. Jones for the respondent.

No. 52. John C. Orrell et al., plaintiffs in error, *v.* Bay Manufacturing Company. In error to the supreme court of the State of Mississippi. Dismissed with costs, on motion of counsel for appellants.

No. 134. Helen Rowland, plaintiff in error, *v.* Frank Godfrey, trustee. In error to the supreme court of the Territory of Hawaii. Dismissed, per stipulation, and mandate granted.

No. 148. Albert K. Hiscock, trustee, etc., appellant, *v.* American Woolen Company, of New York. Appeal from the United States circuit court of appeals for the second circuit. Dismissed, per stipulation, and mandate granted.

Nos. 182 and 183. The Chicago, Rock Island and Pacific Railway Company, appellant, *v.* The Territory of Oklahoma. Appeals from the district court of Garfield County, Oklahoma Territory. Dismissed with costs, on motion of counsel for the appellant.

No. 279. Ames Realty Company, appellant, *v.* The State of Montana et al. Appeal from the circuit court of the United States for the district of Montana. Dismissed, per stipulation.

Adjourned until to-morrow at 12 o'clock.

The court will commence the call of the docket to-morrow, pursuant to the twenty-sixth rule.

The day call for Tuesday, October 15, will be as follows: Nos. 3, 6, 7 (and 8, 9, and 10), 12, 13, 14, 15, 16, 19, and 21.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, OCTOBER 15, 1907.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

William D. Carter of Fredericksburg, Va., Edward J. Brundage of Chicago, Ill., Henry C. Beitler of Chicago, Ill., Revell L. Lyne of New York City, Nelson B. Gaskill of Trenton, N. J., William T. Reed of Camden, N. J., Ruby R. Vale of Philadelphia, Pa., Hugo S. Mack of New York City, Edward H. Sincell of Oakland, Md., D. W. Buckner of Enid, Okla., William Steele Grey of New York City, Everett Watson Burdett of Boston, Mass., Joseph H. Knight of Boston, Mass., and William J. Wallace of Albany, N. Y., were admitted to practice.

No. 25. American Sugar Refining Company of New York, appellant, *v.* The United States. Passed, to be restored to the call under the provisions of section 9, rule 26, on motion of Mr. Attorney-General Bonaparte for the appellee.

No. 1, Original. The State of Maryland, complainant, *v.* The State of West Virginia. Leave granted to file testimony of both sides and to open and publish the same, on motion of Mr. W. S. Bryan, jr., for the complainant.

No. 371. Security Mutual Life Insurance Company, petitioner, *v.* Frederick L. Michaelsen. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. Frederic W. Jenkins for the petitioner, and by Mr. J. M. Vale and Mr. Ruby R. Vale for the respondent.

No. 483. Arthur U. Dennis et al., plaintiffs in error, *v.* Syrenus Davis et al. In error to the supreme court of the State of Washington. Docketed and dismissed with costs, on motion of Mr. John Sidney Webb for the defendants in error.

No. 460. The Milwaukee Rubber Works Company, petitioner, *v.* The Rubber Tire Wheel Company. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. A. B. Browne in behalf of Mr. John C. Spooner, Mr. Charles Quarles and Mr. J. L. Bishop for the petitioner, and by Mr. A. L. Humes for the respondent.

No. 467. Armour Packing Company, petitioner, *v.* The United States;

No. 468. Swift & Company, petitioner, *v.* The United States;

No. 469. Morris & Company, petitioner, *v.* The United States; and

No. 470. Cudahy Packing Company, petitioner, *v.* The United States.

Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. Frank Hagerman, Mr. A. R. Urion and Mr. John C. Cowin for the petitioners, and by Mr. Solicitor-General Hoyt and Mr. Assistant to the Attorney-General Purdy for the respondent.

No. 66. Abe Strauss, plaintiff in error, *v.* The Commonwealth of Massachusetts. In error to the superior court of the State of Massachusetts. Dismissed with costs, per stipulation, on motion of Mr. Dana Malone for the defendant in error.

No. 364. Consolidated Rendering Company, plaintiff in error, *v.* The State of Vermont, by Clarke C. Fitts, attorney-general. Motion to advance submitted by Mr. Clarke C. Fitts for the defendant in error.

No. 82. The Southern Pine Lumber Company et al., plaintiffs in error and appellants, *v.* W. B. Ward et al. Motions to dismiss or affirm submitted by Mr. D. W. Buckner and Mr. John C. Moore in support of motions, and by Mr. Henry F. Woodard and Mr. Arthur A. Birney in opposition thereto.

No. 6. Anna M. Hairston, plaintiff in error, *v.* The Danville and Western Railway Company. Death of plaintiff in error suggested, and case passed to make new parties, on motion of Mr. Abram P. Staples for the plaintiff in error.

No. 45. Thomas Polk et al. *v.* Mutual Reserve Fund Life Association of New York et al. Motion for a writ of certiorari to bring up the whole record and cause submitted by Mr. William Hepburn Russell for Polk et al. in support of motion, and by Mr. Frank H. Platt in opposition thereto.

No. 455. Weems Steamboat Company of Baltimore City, petitioner, *v.* Peoples' Steamboat Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit submitted by Mr. George Weems Williams, Mr. St. George R. Fitzhugh and Mr. Nicholas P. Bond for the petitioner, and by Mr. William D. Carter for the respondents.

No. 3. Tony Kersch, plaintiff in error, *v.* The City of Topeka. In error to the supreme court of the State of Kansas. Dismissed with costs, on motion of Mr. C. A. Magaw for the plaintiff in error.

No. 7. Fritz Durem, plaintiff in error, *v.* The State of Kansas;

No. 8. Fred Ross et al., plaintiffs in error, *v.* The State of Kansas; and

No. 9. Fred Simmons et al., plaintiffs in error, *v.* The State of Kansas.

Passed for settlement, on motion of Mr. C. A. Magaw for the plaintiffs in error.

No. 10. James Sheasley, plaintiff in error, *v.* The State of Kansas. In error to the supreme court of the State of Kansas. Dismissed with costs, on motion of Mr. C. A. Magaw, the case having abated by reason of death of plaintiff in error.

No. 14. Galvan & Company, appellant, *v.* The United States. Submitted by Mr. L. T. Michener, Mr. W. W. Dudley and Mr. Barry Mohun for the appellants, and by Mr. Attorney-General Bonaparte and Mr. Assistant Attorney-General Van Orsdel for the appellee.

No. 388. Henry M. Earle, administrator, etc., appellant, *v.* T. Percy Myers et al., administrators, etc. Advanced, to be heard with No. 12, as one case, per stipulation, on motion of Mr. John C. Gittings for the appellant.

Nos. 12 and 388. Henry M. Earle, administrator, etc., appellant, *v.* T. Percy Myers et al., administrator, etc. Argument commenced by Mr. John C. Gittings for the appellant, continued by Mr. T. Percy Myers and Mr. M. J. Colbert for the appellees, and concluded by Mr. Henry E. Davis for the appellant.

No. 13. Interstate Consolidated Street Railway Company, plaintiff in error, *v.* The Commonwealth of Massachusetts. Argument commenced by Mr. Everett Watson Burdett for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, October 16, will be as follows: Nos. 13, 15, 16, 19, 21, 22, 26, 27, 28 (and 29), and 30.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, OCTOBER 16, 1907.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

Peter Hagner Holme of Denver, Colo., Frank H. Dunnahoo of South Bend, Ind., Harry R. Wair of South Bend, Ind., Samuel Parker of South Bend, Ind., William Bullitt Grant of New Orleans, La., John Van Zante of Portland, Oreg., and George F. Arrel of Youngstown, Ohio, were admitted to practice.

No. 13. Interstate Consolidated Street Railway Company, plaintiff in error, *v.* The Commonwealth of Massachusetts. Argument continued by Mr. Everett Watson Burdett for the plaintiff in error, by Mr. Dana Malone for the defendant in error, and concluded by Mr. Everett Watson Burdett for the plaintiff in error.

No. 15. Seaboard Air Line Railway Company, plaintiff in error, *v.* A. L. Seegers et al. Argued by Mr. W. F. Stevenson for the plaintiff in error. No counsel appeared for the defendant in error.

No. 16. Uriah S. Lee et al., plaintiffs in error, *v.* The State of New Jersey. Argued by Mr. E. A. Armstrong for the plaintiffs in error, and by Mr. Nelson B. Gaskill for the defendant in error.

No. 19. The People of the State of Illinois ex rel. John McNichols, plaintiff in error, *v.* James Pease, sheriff, etc. Argument commenced by Mr. John F. Geeting for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, October 17, will be as follows: 19, 21, 22, 26, 27, 28 (and 29), 30, 31, 32 and 34.

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SUPREME COURT OF THE UNITED STATES.

THURSDAY, OCTOBER 17, 1907.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

Samuel R. Chew of Van Buren, Ark., Emerson B. Leonard of Warren, Ohio, William J. Harding of New York City, Schuyler C. Carlton of New York City, Jacob Evans of Provo, Utah, and Thomas Templeman Van der Hoeven of San Antonio, Tex., were admitted to practice.

No. 19. The People of the State of Illinois ex rel. John McNichols, plaintiff in error, *v.* James Pease, sheriff, etc. Argument concluded by Mr. John F. Geeting for the plaintiff in error, and cause submitted by Mr. E. C. Lindley for the defendant in error.

No. 21. Grace A. Leathe, executrix, etc., plaintiff in error, *v.* Edward L. Thomas. Argument commenced by Mr. John Maynard Harlan for the plaintiff in error, continued by Mr. E. L. Thomas, pro se, and concluded by Mr. John Maynard Harlan for the plaintiff in error.

No. 22. Elizabeth M. Chambers, plaintiff in error, *v.* The Baltimore and Ohio Railroad Company. Argument commenced by Mr. Charles Koonce, jr., for the plaintiff in error, and continued by Mr. George F. Arrel for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, October 18, will be as follows: Nos. 22, 26, 27, 28 (and 29), 30, 31, 32, 34, 35 and 36.

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SUPREME COURT OF THE UNITED STATES.

FRIDAY, OCTOBER 18, 1907.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

Dwight Loomis Bailey of Louisville, Ky., and Francis I. Gowan of Philadelphia, Pa., were admitted to practice.

Nos. 223, 224 and 225. Frank de L. Carrington, plaintiff in error, *v. The United States*. Passed, to be restored to the call pursuant to section 9, rule 26, on motion of Mr. Holmes Conrad for the plaintiff in error.

No. 22. Elizabeth M. Chambers, plaintiff in error, *v. The Baltimore and Ohio Railroad Company*. Argument continued by Mr. George F. Arrel for the defendant in error, and concluded by Mr. Charles Koonce, jr., for the plaintiff in error.

No. 26. Vandalia Railroad Company, plaintiff in error, *v. The State of Indiana ex rel. the City of South Bend*. Argued by Mr. Samuel Parker for the plaintiff in error, and by Mr. Harry R. Wair and Mr. L. T. Michener for the defendant in error.

No. 27. Penn Refining Company, plaintiff in error, *v. Western New York and Pennsylvania Railroad Company et al.* Argument commenced by Mr. James W. Lee for the plaintiff in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, October 21, will be as follows: Nos. 27, 85 (and 89), 87, 158, 96, 238 (and 404), 23, 70, 192 and 264.

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SUPREME COURT OF THE UNITED STATES.

MONDAY, OCTOBER 21, 1907.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

William P. Brown of Bellingham, Wash., Charles Sumner Loringier of Omaha, Nebr., Franklin E. Rapp of Washington, D. C., James A. Walsh of Helena, Mont., William L. Wood of Kansas City, Kans., Ralph M. Greenlow of Boston, Mass., B. B. Blakeney of Shawnee, Okla., E. M. Heyburn of Spokane, Wash., James H. Westcott of New York City, Edwin C. Dutton of Washington, D. C., John Lewis Johnson of Washington, D. C., Burton B. Tuttle of Cincinnati, Ohio, Harold Taylor of Indianapolis, Ind., Lee Card of Chadron, Nebr., Ellsworth L. Burton of Parsons, Kans., Sam B. Kirby of Louisville, Ky., J. Wilmer Latimer of Washington, D. C., George Harbaugh Stein of Philadelphia, Pa., and Province M. Pogue of Cincinnati, Ohio, were admitted to practice.

No. 18. *Adelaide V. Tilt et al., executors, etc., plaintiffs in error, v. Otto Kelsey, comptroller, etc., in error to the surrogate's court of New York County, State of New York.* Judgment reversed with costs, and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Moody. Dissenting: Mr. Justice Harlan.

Nos. 115, 116, 117, 118, 119, 120 and 121. Samuel B. Raymond, county treasurer, etc., et al., appellants, *v. Chicago Union Traction Company et al.* Appeals from the circuit court of the United States for the northern district of Illinois. Decrees affirmed with costs. Opinion by Mr. Justice Peckham. Dissenting: Mr. Justice Holmes and Mr. Justice Moody.

No. 2. Leonidas M. Lawson et al., petitioners, *v. United States Mining Company.* On writ of certiorari to the United States circuit court of appeals for the eighth circuit. Decree affirmed with costs, and cause remanded to the circuit court of the United States for the district of Utah. Opinion by Mr. Justice Brewer.

The Chief Justice announced the following orders of the court:

No. 14. *Galban and Company, appellants, v. The United States.* Appealed from the Court of Claims. Per curiam. Judgment af-

firmed. *Nealy v. Henkel*, 180 U. S., 109; *Pearcy v. Stranahan*, 205 U. S., 257, and cases cited, and see opinion below, 40 Ct. Cls., 495.

No. 3, Original, of October term, 1906. The State of Kansas, complainant, *v. The State of Colorado et al.* Motion for leave to present petition for rehearing denied.

Nos. 230, 231, 232 and 233 of October term, 1906. Charles E. Yates et al., plaintiffs in error, *v. The Jones National Bank, Utica Bank, Thomas Bailey and Bank of Staplehurst.* Motion for leave to present petition for rehearing denied.

No. 262 of October term, 1906. The Chapman and Dewey Land Company, plaintiff in error, *v. Charles H. Bigelow et al.* Motion for leave to present petition for a rehearing denied.

No. 580 of October term, 1906. The United States, appellant, *v. Conrad Heinszen & Company.* Motion for leave to present a petition for rehearing denied.

No. 14 of October term, 1906. James Buck, trustee, etc., plaintiff in error, *v. William E. Beach, treasurer, etc.* Motion for leave to present a petition for rehearing denied.

No. —, Original. Ex parte: In the matter of Thomas B. Clement, petitioner. Motion for leave to file petition for writ of mandamus denied.

No. 45. Thomas Polk et al. *v. Mutual Reserve Fund Life Association et al.* Motion for writ of certiorari to bring up the whole record and cause denied.

No. 82. The Southern Pine Lumber Company et al., plaintiffs in error and appellants, *v. W. B. Ward et al.;*

No. 101. The Missouri Valley Land Company et al., plaintiffs in error, *v. Asmus Wiese:*

No. 102. The Missouri Valley Land Company et al., plaintiffs in error, *v. Carsten Ulrich: and*

No. 245. El Paso and Southwestern Railroad Company, plaintiff in error, *v. H. D. Vizard.* Motions to dismiss or affirm postponed to the hearing on the merits.

No. 208. Jarib L. Sanderson, etc., appellant, *v. The United States;*

No. 232. Duluth and Superior Bridge Company, appellant, *v. Steamer Troy, etc.;*

No. 257. Timothy F. Paddell, plaintiff in error, *v. The City of New York;*

No. 320. The Chesapeake and Ohio Railway Company, plaintiff in error, *v. Emma R. McCabe, administratrix, etc.;* and

No. 421. The Chesapeake and Ohio Railway Company, plaintiff in error, *v. J. W. McDonald, administrator, etc.* Motions to advance denied.

No. 293. William Adair, plaintiff in error, *v.* The United States. Motion to advance granted, and cause assigned for argument on Monday, October 28, instant.

No. 364. Consolidated Rendering Company, plaintiff in error, *v.* The State of Vermont, by Clarke C. Fitts, attorney-general. Motion to advance granted, and cause assigned for argument on Monday, December 2, next.

No. 389. Dietrich Loeme and another *v.* Martin Lawlor et al. Motion for writ of certiorari to bring up the whole record and cause granted, the record presented with the motion to stand as return to the writ, and cause assigned for argument on Monday, December 2, next, after No. 364.

Nos. 110 and 111. The White-Smith Music Publishing Company, appellant, *v.* Apollo Company. Motions for leave to counsel for the Connorized Music Company and Victor Herbert to file briefs herein as amicus curiæ granted, but motions for leave to make oral argument denied.

No. 310. Paul F. Vogel, petitioner, *v.* William Worth Burson. Petition for a writ of certiorari to the court of appeals of the District of Columbia denied.

No. 316. The City of Defiance, petitioner, *v.* William J. McGonigale, receiver, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 323. William Gordon Crawford, petitioner, *v.* The United States. Petition for a writ of certiorari to the court of appeals of the District of Columbia granted.

No. 327. Fidelity and Casualty Company of New York, petitioner, *v.* Bank of Timmons ville. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit denied.

No. 328. Edward E. Blodgett, petitioner, *v.* The Portland Chemical and Phosphate Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 329. Jerome P. Porter et al., petitioners, *v.* Tonopah North Star Tunnel and Development Company. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 330. Central Railroad Company of New Jersey, owner, etc., petitioner, *v.* Eliza E. Wren et al. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 331. The Federal Contracting Company, petitioner, *v.* Bowers Hydraulic Dredging Company. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 333. R. H. Wright, petitioner, *v.* Gorman-Wright Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit denied.

No. 335. J. I. Case Threshing Machine Company, petitioner, *v.* The Indiana Manufacturing Company. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit granted.

No. 336. Penrose McClain, United States collector, etc., petitioner, *v.* William Disston et al., executors, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 340. N. A. Munn et al., petitioners, *v.* Clinton Reed;

No. 341. N. A. Munn et al., petitioners, *v.* The Ibex Mining Company;

No. 342. N. A. Munn et al., petitioners, *v.* The Ibex Mining Company; and

No. 343. N. A. Munn et al., petitioners, *v.* The Ibex Mining Company. Petition for writs of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 371. Security Mutual Life Insurance Company, petitioner, *v.* Frederick L. Michaelsen. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 442. George G. Ware, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 453. The Baltimore and Ohio Railroad Company, petitioner, *v.* James B. McCune. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 455. Weems Steamboat Company of Baltimore City, petitioner, *v.* Peoples' Steamboat Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit granted.

No. 456. Milo H. Osborn, petitioner, *v.* The Atchison, Topeka and Santa Fe Railway Company. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 460. The Milwaukee Rubber Works Company, petitioner, *v.* The Rubber Tire Wheel Company. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit granted.

No. 461. Contractors' Supply and Equipment Company, et al., petitioners, *v.* T. E. Hill Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 464. *Ætna Indemnity Company, petitioner, v. James R. Crowe Coal and Mining Company.* Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 466. *Henry Wineman, jr., petitioner, v. M. M. Drake et al.* Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 467. *Armour Packing Company, petitioner, v. The United States;*

No. 468. *Swift & Company, petitioner, v. The United States;*

No. 469. *Morris & Company, petitioner, v. The United States;* and

No. 470. *Cudahy Packing Company, petitioner, v. The United States.* Petition for writs of certiorari to the United States circuit court of appeals for the eighth circuit granted.

No. 476. *The Charles Nelson Company, claimant, etc., petitioner, v. The Standard Theatre Company.* Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 479. *Great Southern Gas and Oil Company, petitioner, v. Logan Natural Gas and Fuel Co.* Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 96. *John Newton Williamson, plaintiff in error, v. The United States.* Passed. to be restored to the call under the provisions of section 9, rule 26, on motion of Mr. Attorney-General Bonaparte for the defendant in error.

No. 349. *The United States, plaintiff in error, v. Clara Alfonso y Buenaventura.* In error to the supreme court of the Philippine Islands. Dismissed on motion of Mr. Attorney-General Bonaparte for the plaintiff in error.

No. 192. *Nicolas Arceo, plaintiff in error, v. The United States.* Motion to postpone consideration of motion of plaintiff in error to pass submitted by Mr. Attorney-General Bonaparte for the defendant in error.

No. 201. *The St. Louis, Iron Mountain & Southern Railway Company, plaintiff in error, v. Mary Taylor, administratrix, etc.* Motion to dismiss submitted by Mr. Samuel R. Chew in support of motion and by Mr. Oscar L. Miles in opposition thereto.

No. 286. *Atchison, Topeka and Santa Fe Railway Company, plaintiff in error, v. George A. Sowers.* Motions to dismiss or affirm submitted by Mr. W. H. Robeson in behalf of Mr. George E. Wallace in support of motions, and by Mr. J. W. Terry, Mr. A. B. Browne, and Mr. Gardner Lathrop in opposition thereto.

No. 338. *The United States, appellants, v. The Sisseton and Wahpeton Bands of Sioux Indians; and*

No. 339. The Sisseton and Wahpeton Bands of Sioux Indians, appellant, *v.* The United States. Motion to advance submitted by Mr. W. H. Robeson for the Indians.

No. 475. Eugene C. Kreigh, petitioner, *v.* Westinghouse, Church, Kerr & Co. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. J. S. Botsford for the petitioner.

No. 345. D. G. Fritzlen et al., plaintiffs in error, *v.* The Boatmen's Bank. Motions to dismiss or advance submitted by Mr. J. S. Botsford in support of motions, and by Mr. D. R. Hite and Mr. H. J. Bone in opposition thereto.

No. 444. C. K. McIntosh et al., trustees, etc., petitioners, *v.* The Petaluma Savings Bank et al. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. F. L. Campbell in behalf of Mr. W. A. Coulter for the petitioners, and by Mr. A. B. Browne for the respondents.

No. 306. W. F. Baird, administrator, etc., plaintiff in error, *v.* J. D. Monroe et al. Motions to dismiss or affirm submitted by Mr. John M. York in support of motions, and by Mr. Rufus H. Thayer in opposition thereto.

No. 412. Rumford Chemical Works, petitioner, *v.* Hygienic Chemical Company. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. Philip Mauro for the petitioner, and by Mr. Willard Parker Butler for the respondent.

Nos. 110 and 111. White-Smith Music Publishing Company, appellant, *v.* Apollo Company. Motions to dismiss presented by Mr. Charles S. Burton for the appellee, and ordered postponed to the hearing on the merits.

No. 358. The Blythe Company, plaintiff in error, *v.* Bankers Investment Company et al. Motions to dismiss or affirm submitted by Mr. E. S. Heller, Mr. Frederic D. McKenney and Mr. Thomas I. Bergin in support of motions, and by Mr. George W. Towle in opposition thereto.

No. 164. W. H. Gazlay et al., appellants, *v.* Fletcher R. Williams, trustee, etc. Motion to dismiss submitted by Mr. P. M. Pogue in support of motion, and by Mr. Oscar W. Kuhn in opposition thereto. Petition for writ of certiorari submitted by Mr. Oscar W. Kuhn for appellants.

No. 462. Frederick S. Goshorn et al., petitioners, *v.* Royal Trust Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. Frederick S. Tyler in behalf of Mr. Henry W. Leman for the petitioner, and by Mr. Frank H. Scott and Mr. Edgar A. Bancroft for the respondents.

No. 197. Edward S. Thomas et al., trustees, etc., petitioners, *v.* Anna D. Taggart et al. Advanced, to be heard with No. 126, as one case, on motion of Mr. Walter C. Clephane in behalf of counsel.

No. 2, Original. The State of Georgia, complainant, *v.* The Tennessee Copper Company et al. Motion to postpone entry of final decree submitted by Mr. John C. Hart for the complainant.

No. 486. Ferdinand Hopp, plaintiff in error, *v.* Thomas H. Pickford. In error to the court of appeals of the District of Columbia. Docketed, and dismissed with costs on motion of Mr. H. Prescott Gately for the defendant in error.

No. 332. John Blakely, petitioner, *v.* Fidelity Mutual Life Insurance Company. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. George H. Stein and Mr. W. B. Linn for the petitioner, and by Mr. Ira Jewell Williams for the respondents.

No. 480. Elizabeth Peck, petitioner, *v.* The Tribune Company. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. J. Wilmer Latimer in behalf of Mr. Rufus S. Simmons and Mr. S. C. Irving for petitioner, and by Mr. John Barton Payne for respondent.

No. 260. Clark Woodard Sprague, sole surviving executor, etc., plaintiff in error, *v.* Jacob Betz et ux. Motion to dismiss submitted by Mr. John F. Shafroth in support of motion, and by Mr. Charles S. Fogg in opposition thereto.

No. 192. Nicolas Arceo, plaintiff in error, *v.* The United States. Motion to pass submitted by the plaintiff in error.

No. 70. John M. Flemister, plaintiff in error, *v.* The United States. Motion to pass submitted by the plaintiff in error.

No. 27. Penn Refining Company, Limited, plaintiff in error, *v.* Western New York & Pennsylvania Railroad Company et al. Argument continued by Mr. John G. Johnson for defendants in error, and concluded by Mr. Samuel S. Mehard for the plaintiff in error.

No. 89. The Georgia Railroad and Banking Company, plaintiff in error, *v.* Wm. A. Wright, comptroller-general, et al. Argument commenced by Mr. Joseph R. Lamar for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, October 22, will be as follows: Nos. 89, 85, 87, 158, 96, 238 (and 404), 23, 70, 192 and 264.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, OCTOBER 22, 1907.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

Charles E. Searls of Thompson, Conn., Gardiner Greene of Norwich, Conn., and Charles W. Spencer of Cambridge, Mass., were admitted to practice.

No. 23. Jose Paraiso, plaintiff in error, *v.* The United States;

No. 70. John M. Flemister, plaintiff in error, *v.* The United States; and

No. 192. Nicolas Arceo, plaintiff in error, *v.* The United States. Reassigned for argument on Monday, December 2, after the cases already set down for that day, on motion of Mr. Assistant Attorney-General Russell for the defendant in error.

No. 3, Original. State of Washington, complainant, *v.* State of Oregon. Assigned for argument on Monday, December 2, after the cases already set down for that day, per stipulation, and on motion of Mr. L. A. Doherty for the complainant.

No. 89. The Georgia Railroad and Banking Company, plaintiff in error, *v.* William A. Wright, comptroller-general, et al. Argument continued by Mr. Joseph R. Lamar for the plaintiff in error, by Mr. Boykin Wright and Mr. John C. Hart for the defendants in error, and concluded by Mr. Joseph B. Cumming for the plaintiff in error.

No. 85. The Central of Georgia Railway Company, plaintiff in error, *v.* William A. Wright, comptroller-general, etc., et al. Argument commenced by Mr. T. M. Cunningham, jr., for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, October 23, will be as follows: Nos. 85, 87, 158, 238 (and 404), 264, 161, 283 (and 284), 28 (and 29), 30 and 31.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, OCTOBER 23, 1907.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

James J. Purman of Waynesburg, Pa., Sigmund Zeisler of Chicago, Ill., Henry L. Stern of Chicago, Ill., Francis Wayland Downey of Waynesburg, Pa., Thomas S. Crago of Waynesburg, Pa., and William Wilhelm of Pottsville, Pa., were admitted to practice.

No. 85. The Central of Georgia Railway Company, plaintiff in error, *v.* William A. Wright, comptroller-general, et al. Argument continued by Mr. John C. Hart for the defendants in error, and concluded by Mr. T. M. Cunningham, jr., for the plaintiff in error.

No. 87, Bank of Kentucky et al., plaintiffs in error, *v.* The Commonwealth of Kentucky. Argument commenced by Mr. Alexander Pope Humphrey for the plaintiffs in error, and continued by Mr. Henry L. Stone for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, October 24, will be as follows: Nos. 87, 158, 238 (and 404), 264, 161, 283 (and 284), 28 (and 29), 30, 31 and 32.



SUPREME COURT OF THE UNITED STATES.

THURSDAY, OCTOBER 24, 1907.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

Thomas Ball of Los Angeles, Cal., and John Francis Heffernan of New York City were admitted to practice.

No. 158. Henry Winters et al., appellants, *v.* The United States. Argument commenced by Mr. E. C. Day for the appellants, continued by Mr. Assistant Attorney-General Sanford and Mr. Assistant Attorney-General Van Orsdel for the appellee, and concluded by Mr. James A. Walsh for the appellants. Leave granted to counsel for appellee to file an additional brief within three days and to counsel for appellants to reply thereto.

No. 238. William F. D. Taylor, petitioner, *v.* The United States; and

No. 404. The United States, plaintiff in error, *v.* Neil Macdonald. Argument commenced by Mr. Lucius H. Beers for Taylor, and continued by Mr. Assistant Attorney-General Cooley for the United States.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, October 25, will be as follows: Nos. 238 (and 404), 264, 161, 283 (and 284), 28 (and 29), 30, 31, 32, 33 and 34.

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SUPREME COURT OF THE UNITED STATES.

FRIDAY, OCTOBER 25, 1907.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

Joseph P. F. Nolan of New York City, Lee C. Beatty of Pittsburg, Pa., Albert R. Moore of Brooklyn, N. Y., Walter H. Robinson of San Francisco, Cal., and George T. Simpson of Winona, Minn., were admitted to practice.

No. —, Original. Ex parte: In the matter of Edward T. Young, petitioner. Motion for leave to file petition for writs of habeas corpus and certiorari submitted by Mr. Thomas D. O'Brien for the petitioner.

No. 238. William F. D. Taylor, petitioner, *v.* The United States; and

No. 404. The United States, plaintiff in error, *v.* Neil Macdonald. Argument continued by Mr. Assistant Attorney-General Cooley for the United States, and by Mr. William G. Choate for Taylor, and concluded by Mr. Harrington Putnam for Macdonald. Leave granted to counsel for the United States to file an additional brief within one week, and to counsel for Macdonald to file reply thereto within one week thereafter.

No. 264. D. Hunter, jr., et al., plaintiffs in error, *v.* The City of Pittsburgh. Argument commenced by Mr. William A. Stone for the plaintiffs in error, and continued by Mr. D. T. Watson for the defendant in error.

Adjourned until Monday next at 12 o'clock.

The day call on Monday, October 28, will be as follows: Nos. 264, 161, 283 (and 284), 293, 28 (and 29), 30, 31, 32, 33 and 34.

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SUPREME COURT OF THE UNITED STATES.

MONDAY, OCTOBER 28, 1907.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

Loren G. Disney of Atoka, Ind. T., Eugene S. Wackharst of Sacramento, Cal., C. E. More of Chicago, Ill., Alonzo A. Byers of Oklahoma City, Okla., Nathan Glicksman of Milwaukee, Wis., Hosea Townsend of Ardmore, Ind. T., J. H. Wilkins of McAlester, Ind. T., R. E. Campbell of McAlester, Ind. T., Mitchell D. Price of Miami, Fla., Frank Wells of Oklahoma City, Okla., and Benjamin S. Harmon of New York City were admitted to practice.

No. 16. Uriah S. Lee et al., plaintiffs in error, *v.* The State of New Jersey. In error to the court of errors and appeals of the State of New Jersey. Judgment affirmed with costs. Opinion by Mr. Justice Day.

No. 8, Original. Ex parte: In the matter of The First National Bank of Chicago et al., petitioners. Writ of mandamus awarded. Opinion by Mr. Justice Holmes.

No. 38. The First National Bank of Chicago et al., plaintiffs in error, *v.* The Chicago Title and Trust Company et al. In error to the United States circuit court of appeals for the seventh circuit. Judgment reversed with costs, and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Holmes.

The Chief Justice announced the following orders of the court:

No. 260. Clark Woodard Sprague, sole surviving executor, etc., plaintiff in error, *v.* Jacob Betz et ux. In error to the supreme court of the State of Washington. Per curiam: Dismissed for want of jurisdiction. *New Orleans Waterworks Company v. Louisiana*, 185 U. S., 336; *Newburyport Water Company v. Newburyport*, 193 U. S., 561; and see *Thomas v. Provident Loan and Trust Company*, 138 Fed. Rep., 348, 200 U. S., 618. Case below, 87 Pac. Rep., 916.

No. 306. W. F. Baird, administrator, etc., plaintiff in error, *v.* J. D. Monroe et al. In error to the supreme court of the State of California. Per curiam: Dismissed for want of jurisdiction. *Oxley Stave Company v. Butler County*, 166 U. S., 648; *Hulbert v.*

Chicago, 202 U. S., 275; *Miller v. Cornwall Railroad Company*, 168 U. S., 134; *Mutual Life Insurance Company v. McGrew*, 188 U. S., 291; *Howard v. Fleming*, 191 U. S., 126; *New Orleans Waterworks Company v. Louisiana*, 185 U. S., 336.

No. 358. *The Blythe Company*, plaintiff in error, *v. Bankers Investment Company et al.* In error to the supreme court of the State of California. Per curiam: Dismissed for the want of jurisdiction. *Blythe v. Hinckley*, 84 Fed. Rep., 228; *Blythe Company v. Blythe*, 172 U. S., 644; *Blythe Company v. Hinckley*, 111 Fed. Rep., 827; *Blythe Company v. Hinckley*, 184 U. S., 701; *Blythe v. Hinckley*, 180 U. S., 333; *Dupaneur v. Rochereau*, 21 Wall., 130; *Metcalf v. Watertown*, 153 U. S., 671; *Blythe Company v. Bankers Investment Company*, 147 Cal., 82; *Missouri Pacific Railway v. Fitzgerald*, 160 U. S., 558, 582; *Temple v. Hagar*, 4 Wall., 432, 434.

No. 10, Original. Ex parte: In the matter of *Edward T. Young*, petitioner. Motion for leave to file petition for writs of habeas corpus and certiorari granted, and rule to show cause awarded returnable on Monday, December 2, next.

No. 2, Original. *The State of Georgia*, complainant, *v. The Tennessee Copper Company et al.* Time to present decree enlarged, as counsel may be advised, without prejudice and on due notice.

No. 338. *The United States*, appellant, *v. The Sisseton and Wahpeton Bands of Sioux Indians*; and

No. 339. *The Sisseton and Wahpeton Bands of Sioux Indians*, appellants, *v. The United States*. Motion to advance granted, and cases assigned for argument on Monday, January 27, 1908.

No. 164. *W. H. Garfay et al.*, appellants, *v. Fletcher R. Williams*, trustee, etc. Motion to dismiss and petition for a writ of certiorari postponed to the hearing of the case on its merits.

No. 201. *St. Louis, Iron Mountain and Southern Railway Company*, plaintiff in error, *v. Mary Taylor*, administratrix, etc. Motions to dismiss or affirm postponed to the hearing of the case on its merits.

No. 286. *Atchison, Topeka and Santa Fe Railway Company*, plaintiff in error, *v. George A. Sowers*. Motions to dismiss or affirm postponed to the hearing of the case on its merits.

No. 345. *D. G. Fritzlen et al.*, plaintiffs in error, *v. The Boatmen's Bank*. Motion to dismiss postponed to the hearing of the case on its merits. Motion to advance denied.

No. 380. *Mollie E. Dupree et al.*, petitioners, *v. C. W. Mansur*. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit granted.

No. 475. *Eugene C. Kreigh*, petitioner, *v. Westinghouse, Church, Kerr & Company*. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit granted.

No. 480. Elizabeth Peck, petitioner, *v.* The Tribune Company. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit granted.

No. 309. Alberta J. Sharpe et al., petitioners, *v.* Edward W. Rannels. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 332. John Blakely, petitioner, *v.* Fidelity Mutual Life Insurance Company. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 412. Rumford Chemical Works, petitioner, *v.* Hygienic Chemical Company. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 444. C. K. McIntosh and James P. Brown, trustees, etc., petitioners, *v.* The Petaluma Savings Bank et al. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 462. Frederick S. Goshorn et al., petitioners, *v.* Royal Trust Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 317. E. C. Atkins & Co., appellant and plaintiff in error, *v.* F. I. Allen, Commissioner of Patents. Edward B. Moore, as Commissioner of Patents, substituted as the party appellee and defendant in error herein, on motion of Mr. Attorney-General Bonaparte for the appellee and defendant in error.

No. 33. George Deslions et al., petitioners, *v.* La Compagnie Générale Transatlantique, etc. Death of W. C. Perry suggested, and Sallie M. Perry, administratrix, etc., substituted in the place of William C. Perry, administrator, etc., as a party petitioner herein, on motion of Mr. A. Gordon Murray for said petitioner.

No. 463. Samuel Peck et al., petitioners, *v.* James Hamilton Lewis. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. Levi Davis for the petitioner, and by Mr. Holmes Conrad for the respondent.

No. 10. Original. *Ex parte*: In the matter of Edward T. Young, petitioner. Ordered that the petitioner be enlarged on his own recognizance to be taken by the circuit court of the United States for the district of Minnesota, or a judge thereof, conditioned to abide the further order of this court.

No. 1. Augustin Castello, appellant, *v.* Ernest Ruffer et al. Appeal from the district court of the United States for Porto Rico. Dismissed with costs, pursuant to the fifteenth rule, on motion of Mr. George H. Lamar in behalf of counsel for the appellees.

No. 271. Hammond Packing Company, petitioner, *v.* The State of Arkansas. Motion to advance submitted by Mr. Robert A. Howard in behalf of counsel.

No. 250. Frederic L. Grant Shoe Company, bankrupt, plaintiff in error, *v.* W. M. Laird Company, of Pittsburg, Pa. Motion to dismiss submitted by Mr. Hiram R. Wood in support of motion, and by Mr. P. M. French in opposition thereto.

No. 451. Nathaniel C. Foster, plaintiff in error, *v.* William Rowe, impleaded, etc. Motions to dismiss or affirm submitted by Mr. James Wickham in support of motions, and by Mr. W. M. Tomkins in opposition thereto.

No. 264. D. Hunter, jr., et al., plaintiffs in error, *v.* The City of Pittsburgh. Argument continued by Mr. D. T. Watson and Mr. W. B. Rodgers for the defendant in error, and concluded by Mr. John G. Johnson for the plaintiffs in error.

No. 161. John T. Shoener, plaintiff in error, *v.* The Commonwealth of Pennsylvania. Argument commenced by Mr. E. B. Sherrill for the plaintiff in error, continued by Mr. Guy E. Farquhar and Mr. C. E. Berger for the defendant in error, and concluded by Mr. William Wilhelm for the plaintiff in error.

No. 283. Webster Coal and Coke Company, petitioner, *v.* A. J. Cassatt, et al.; and

No. 284. Pennsylvania Coal and Coke Company, petitioner, *v.* A. J. Cassatt et al. Argument commenced by Mr. John W. Griggs for the petitioners.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, October 29, will be as follows: Nos. 283 (and 284), 293, 28 (and 29), 30, 31, 32, 33, 34, 35 and 36.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, OCTOBER 29, 1907.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

William Dillon of Chicago, Ill., Elbridge Haney of Chicago, Ill., and Frederick Flower Lendewig of Temple, Okla., were admitted to practice.

No. 100. Arizona Eastern Railroad Company, appellant, *v.* Phoenix & Eastern Railroad Company. Appeal from the supreme court of the Territory of Arizona. Dismissed per stipulation.

No. 296. Evalyn S. France, formerly Evalyn S. Tome, appellant, *v.* Joseph M. Coleman et al. Appeal from the court of appeals of the District of Columbia. Dismissed with costs, on motion of counsel for appellant.

No. 283. Webster Coal and Coke Company, petitioner, *v.* A. J. Cassatt et al.; and

No. 284. Pennsylvania Coal and Coke Company, petitioner, *v.* A. J. Cassatt et al. Argument continued by Mr. John W. Griggs for the petitioners, by Mr. John G. Johnson for the respondents, and concluded by Mr. John W. Griggs for the petitioners.

No. 293. William Adair, plaintiff in error, *v.* The United States. Argument commenced by Mr. Benjamin D. Warfield for the plaintiff in error, and continued by Mr. William R. Harr and Mr. Attorney-General Bonaparte for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, October 30, will be as follows: Nos. 293, 28 (and 29), 30, 31, 32, 33, 34, 35, 36 and 37.

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SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, OCTOBER 30, 1907.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

Edward Ridley Finch of New York City, Henry Darrach of Philadelphia, Pa., Harry P. Leake of Ponce, P. R., and Harlow A. Leekley of Muscogee, Ind. T., were admitted to practice.

No. 293. William Adair, plaintiff in error, *v.* The United States. Argument continued by Mr. Attorney-General Bonaparte for the defendant in error and concluded by Mr. Benjamin D. Warfield for the plaintiff in error.

No. 28. American Tobacco Company, plaintiff in error, *v.* Emil Werckmeister; and

No. 29. Emil Werckmeister, plaintiff in error, *v.* American Tobacco Company. Argued by Mr. William A. Jenner for the American Tobacco Company and by Mr. Antonio Knauth for Werckmeister.

No. 30. Mrs. William F. Hardin et al., plaintiffs in error, *v.* Cottonwood Lumber Co. Submitted by Mr. John W. Blackwood for the plaintiffs in error and by Mr. John B. Jones and Mr. William L. Terry for the defendant in error.

No. 31. James E. Kent, plaintiff in error, *v.* The People of Porto Rico. Argument commenced by Mr. N. B. K. Pettingill for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, October 31, will be as follows: Nos. 31, 32, 33, 34, 35, 36, 37, 39, 40 and 41.

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SUPREME COURT OF THE UNITED STATES.

THURSDAY, OCTOBER 31, 1907.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

William H. Harrison of Poteau, Ind. T., was admitted to practice.

No. 68. William Notley et al., plaintiffs in error, *v.* Cecil Brown et al., etc. Passed temporarily, on motion of Mr. A. B. Browne for the defendants in error.

No. 31. James E. Kent, plaintiff in error, *v.* The People of Porto Rico. Argument concluded by Mr. N. B. K. Pettingill for the plaintiff in error, and cause submitted by Mr. Frank Feuille for the defendant in error.

No. 32. Mary V. Cortelyou et al., administrators, etc., et al., petitioners, *v.* Charles Eneu Johnson & Co. Argument commenced by Mr. S. O. Edmonds for the petitioners, continued by Mr. Francis T. Chambers for the respondents, and by Mr. Edmund Wetmore for the petitioners.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, November 1, will be as follows: Nos. 32, 33, 34, 35, 36, 37, 39, 40, 41 and 42.

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SUPREME COURT OF THE UNITED STATES.

FRIDAY, NOVEMBER 1, 1907.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

Joseph A. Gill of Vinita, Ind. T., and Orion L. Rider of Vinita, Ind. T., were admitted to practice.

No. 42. William Couture, jr., plaintiff in error, *v.* The United States. Submitted by Mr. W. M. Tomkins for the plaintiff in error, with leave to counsel for the defendant in error to file brief within ten days.

No. 32. Mary V. Cortelyou et al., administrators, etc., et al., petitioners, *v.* Charles Eneu Johnson & Co. Argument concluded by Mr. Edmund Wetmore for the petitioners.

No. 33. George Deslions et al., petitioners, *v.* La Compagnie Generale Transatlantique, owner, etc. Argument commenced by Mr. J. Parker Kirlin for the petitioners, continued by Mr. Edward K. Jones and Mr. William G. Choate for the respondent, and concluded by Mr. J. Parker Kirlin for the petitioners.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, November 4, will be as follows: Nos. 34, 35, 36, 37, 39, 40, 41, 43, 44 and 45.

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SUPREME COURT OF THE UNITED STATES.

MONDAY, NOVEMBER 4, 1907.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

Percy Metzger of Washington, D. C., Alexander A. Lawrence of Savannah, Ga., Rush C. Butler of Chicago, Ill., and Charles P. Hine of Cleveland, Ohio, were admitted to practice.

No. 13. Interstate Consolidated Street Railway Company, plaintiff in error, *v.* The Commonwealth of Massachusetts. In error to the superior court of the State of Massachusetts. Judgment affirmed with costs. Opinion by Mr. Justice Holmes, Mr. Justice Harlan specially concurring. Mr. Justice Moody having been of counsel did not sit in this case.

No. 15. Seaboard Air Line Railway, plaintiff in error, *v.* A. L. Seegers et al. In error to the supreme court of the State of South Carolina. Judgment affirmed with costs. Opinion by Mr. Justice Brewer. Dissenting: Mr. Justice Peckham.

The Chief Justice announced the following orders of the court:

No. 30. Mrs. William F. Hardin et al., plaintiffs in error, *v.* Cottonwood Lumber Company. In error to the supreme court of the State of Arkansas. Per curiam: Judgment affirmed with costs. *Soper v. Lawrence Bros.*, 201 U. S., 359; *Turner v. New York*, 168 U. S., 90; *Lumber Company v. Hardin*, 78 Ark., 95; *Towson v. Denson*, 74 Ark., 302.

No. 451. Nathaniel C. Foster, plaintiff in error, *v.* William Rowe, impleaded, etc. In error to the supreme court of the State of Wisconsin. Per curiam: Dismissed for the want of jurisdiction. *Foster v. Rowe*, 128 Wis., 326; *Ibid* 111 N. W., 688; *Eustis v. Bolles*, 150 U. S., 361; *Indiana Manufacturing Company v. Koehne*, 186 U. S., 681; *State Railroad Tax Cases*, 92 U. S., 575.

No. 250. Frederic L. Grant Shoe Company, bankrupt, plaintiff in error, *v.* W. M. Laird Company of Pittsburg, Pa. Motion to dismiss postponed to the hearing of the case on its merits.

No. 271. Hammond Packing Company, plaintiff in error, *v.* The State of Arkansas. Motion to advance granted and cause assigned for argument on Monday, February 24, 1908.

No. 463. Samuel Peck et al., petitioners, *v.* James Hamilton Lewis. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 5, Original. The United States of America, complainant *v.* J. F. Shipp et al. It is now here ordered by the court that Mr. James D. Maher, the commissioner appointed by this court to take and return the testimony in this cause, be, and he is hereby, allowed the sum of \$800 in full for his compensation and expenses, and that said sum be paid by the complainant herein.

Order: On the application of the clerk, pursuant to section 678 of the Revised Statutes, it is ordered that James D. Maher be, and he is hereby, appointed deputy clerk of this court, vice Charles B. Beall resigned.

No. 356. The United States, plaintiff in error, *v.* Adrian H. Larkin, intervenor and claimant, etc. Motions to dismiss or affirm submitted by Mr. A. C. Dustin, in support of motion, and by Mr. Assistant Attorney-General Sanford and Mr. Solicitor-General Hoyt in opposition thereto.

No. 358. The Blythe Company, plaintiff in error, *v.* Bankers Investment Company et al. Motion that mandate issue submitted by Mr. F. D. McKenney, for the defendants in error, in support of motion, and by Mr. S. M. Stockslager in behalf of counsel for plaintiff in error in opposition thereto.

No. 484. Erie Railroad Company, petitioner, *v.* Mary E. Kane, administratrix, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. Frederick S. Tyler in behalf of Mr. William E. Cushing for the petitioner and by Mr. George F. Arrel for the respondent.

No. 34. Marcus K. Bitterman et al., petitioners, *v.* Louisville & Nashville Railroad Company. Argument commenced by Mr. Louis Marshall for the petitioners, continued by Mr. J. P. Blair and Mr. Brode B. Davis for the respondent and concluded by Mr. Louis Marshall of the petitioners.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, November 5, will be as follows: Nos. 35, 36, 37, 39, 40, 41, 43, 44, 45 and 46.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, NOVEMBER 5, 1907.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

Henry E. Davis of Florence, S. C., Charles M. Williams of Hutchinson, Kans., Eugene C. Slevin of St. Louis, Mo., Murray Seasongood of Cincinnati, Ohio, and William M. Madden of San Francisco, Cal., were admitted to practice.

No. 358. The Blythe Company, plaintiff in error, *v.* Bankers' Investment Company et al. Motion that mandate issue granted.

No. 93. Govan Beard, plaintiff in error, *v.* The State of Arkansas. In error to the supreme court of the State of Arkansas. Case having abated by reason of the death of plaintiff in error writ of error dismissed.

No. 35. C. B. Boyett et al., plaintiffs in error, *v.* The United States. Submitted by Mr. J. W. Blackwood for the plaintiffs in error, and by Mr. Attorney-General Bonaparte for the defendant in error.

No. 36. Atlantic Coast Line Railroad Company, plaintiff in error, *v.* J. H. Wharton et al., railroad commissioners, etc. Argument commenced by Mr. P. A. Willcox for the plaintiff in error, continued by Mr. M. C. Woods for the defendants in error, and concluded by Mr. Frederic D. McKenney for the plaintiff in error.

No. 37. Ozan Lumber Company, petitioner, *v.* Union County National Bank of Liberty, Indiana. Submitted by Mr. U. M. Rose and Mr. T. C. McRae for the petitioner, and by Mr. Morris M. Cohn for the respondent.

No. 39. The People of the State of New York ex rel. Edward and John Burke, Limited, plaintiff in error, *v.* James L. Wells et al., commissioners, et al. Argument commenced by Mr. Edmund Wetmore for the plaintiff in error, and continued by Mr. George S. Coleman for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, November 6, will be as follows: Nos. 39, 40, 41, 43, 44, 45, 46, 47, 49 and 50.

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, NOVEMBER 6, 1907.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

T. Hart Anderson of Boston, Mass., and Robert B. Brown of Washington, D. C., were admitted to practice.

No. 4. Original. Commonwealth of Virginia, complainant, *v.* State of West Virginia. Leave granted to file replication on motion of Mr. Holmes Conrad for the complainant.

No. 50. John A. Curtin, trustee, appellant, *v.* Gertrude F. Tucker. Passed for settlement on motion of Mr. J. H. Sherburne, jr., for the appellee.

No. 39. The People of the State of New York *ex rel.* Edward and John Burke, Limited, plaintiff in error, *v.* James L. Wells et al., commissioners, etc. Argument continued by Mr. George S. Coleman for the defendants in error, and concluded by Mr. Edmund Wetmore for the plaintiff in error.

No. 40. The Wabash Railroad Company, plaintiff in error, *v.* The Adelbert College of the Western Reserve University et al. Argument commenced by Mr. Rush Taggart for the plaintiff in error and continued by Mr. John W. Warrington for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, November 7, will be as follows: Nos. 40, 41, 43, 44, 45, 46, 47, 49, 51 and 53 (and 54).

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SUPREME COURT OF THE UNITED STATES.

THURSDAY, NOVEMBER 7, 1907.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

Samuel L. Kingan of Tucson, Ariz., was admitted to practice.

No. 47. *W. J. Warder et al., plaintiffs in error, v. Frank B. Cotton, individually and as trustee.* Death of Frank B. Cotton suggested and appearance of William C. Cotton and Walter B. Grant, independent executors of the estate of Frank B. Cotton, as the parties defendants in error herein, filed and entered on motion of Mr. Walter B. Grant for defendants in error.

No. 40. *The Wabash Railroad Company, plaintiff in error, v. The Adelbert College of the Western Reserve University et al.* Argument continued by Mr. John W. Warrington for the defendants in error, and concluded by Mr. Rush Taggart for the plaintiff in error.

No. 41. *Heath and Milligan Manufacturing Company et al., appellants, v. J. H. Worst, director, etc.* Argument commenced by Mr. Sigmund Zeisler for the appellants, and continued by Mr. John S. Watson for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, November 8, will be as follows: Nos. 41, 43, 44, 45, 46, 47, 49, 51, 53 (and 54) and 55.

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SUPREME COURT OF THE UNITED STATES.

FRIDAY, NOVEMBER 8, 1907.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

John H. Cotteral of Guthrie, Okla., and Howard S. Lewis of Hutchinson, Kans., were admitted to practice.

No. 41. Heath and Milligan Manufacturing Company et al., appellants, *v.* J. H. Worst, director, etc. Argument continued by Mr. John S. Watson for the appellee, and concluded by Mr. Sigmund Zeisler for the appellants.

No. 43. Sarah Chunn, plaintiff in error, *v.* The City and Suburban Railway of Washington. Argument commenced by Mr. Percy Metzger for the plaintiff in error, continued by Mr. Charles A. Douglas and Mr. George P. Hoover for the defendant in error, and concluded by Mr. Victor H. Wallace for the plaintiff in error.

No. 44. The United States, appellant, *v.* R. P. Andrews & Company. Argument commenced by Mr. Assistant Attorney-General Van Orsdel for the appellant.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, November 11, will be as follows: Nos. 44, 45, 46, 47, 49, 51, 53 (and 54), 55, 56 and 57.

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SUPREME COURT OF THE UNITED STATES.

MONDAY, NOVEMBER 11, 1907.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

James M. Townsend of New York City, and Edward Maher of Chicago, Ill., were admitted to practice.

No. 21. Grace A. Leathe, executrix of Samuel H. Leathe, deceased, plaintiff in error, *v.* Edward L. Thomas. In error to the supreme court of the State of Illinois. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice Harlan and Mr. Justice Day.

No. 168. James H. Chapman, trustee, etc., appellant, *v.* Abner T. Bowen. Appeal from the United States circuit court of appeals for the seventh circuit. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

The Chief Justice announced that the court will take a recess from Monday, the 18th instant, to Monday, December 2 next.

The Chief Justice also announced the following orders of the court:

No. 356. The United States, plaintiff in error, *v.* Adrian H. Larkin, intervenor and claimant, etc. Motions to dismiss or affirm postponed to the hearing of the cause on its merits.

No. 484. Erie Railroad Company, petitioner, *v.* Mary E. Kane, administratrix, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 35. C. B. Boyett et al., plaintiffs in error, *v.* The United States. In error to the district court of the United States for the eastern district of Arkansas. Per curiam: Judgment reversed and cause remanded with a direction to sustain the motion in arrest of judgment, on the authority of *Hodges v. United States*, 203 U. S., 1.

No. 42. William Couture, jr., plaintiff in error, *v.* The United States. In error to the district court of the United States for the western district of Wisconsin. Per curiam: Judgment affirmed. *United States v. Rickert*, 188 U. S., 432; *McKay v. Kalyton*, 204 U. S., 458.

No. 390. The United States, plaintiff in error, *v.* Edward S. Thayer. Motion to advance submitted by Mr. Attorney-General Bonaparte for the plaintiff in error.

No. 51. Charles T. Cherry, receiver, etc., plaintiff in error, *v.* The City National Bank of Kansas City, Mo. Appearance of George C. Rankin, successor to Charles T. Cherry as receiver, as the plaintiff in error herein, filed and entered, per stipulation of counsel, and on motion of Mr. Charles B. Ames for the plaintiff in error.

No. 425. St. Paul, Minneapolis & Manitoba Railway Company et al., plaintiff in error, *v.* The State of Minnesota ex rel. City of Minneapolis. Motion to advance to be heard after No. 92 submitted by Mr. Frank Healy for the defendant in error.

No. 443. Arnold-Louchheim & Co. et al., petitioners, *v.* James Watson Boyd. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. Frank J. Hogan in behalf of Mr. A. C. Pendergast for the petitioners.

No. 191. Estill County, Kentucky, petitioner, *v.* Talton Embry. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. Charles W. Friend for the petitioner, and by Mr. Harry L. Gordon for the respondent.

No. —, Original. Ex parte: In the matter of Francis S. Reisenberg and Daniel Gallagher, petitioners; and

No. —, Original. Ex parte: In the matter of Joseph Konrad, individually and as administrator of Paul Planovsky, deceased, petitioner. Motions for leave to file petitions for writs of mandamus submitted by Mr. Roger Foster for the petitioners.

No. 362. The New York Continental Jewell Filtration Company, plaintiff in error, *v.* Mary E. Wynkoop. Motion to dismiss submitted by Mr. E. B. Sherrill and Mr. Charles A. Douglas in support of motion, and by Mr. James H. Hayden in opposition thereto.

No. 491. Great Northern Railway Company, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. A. B. Browne, Mr. W. R. Begg, and Mr. C. S. Albert for the petitioner, and by Mr. Assistant to the Attorney-General Purdy for the respondent.

No. 146. Henry T. Anderson, appellant, *v.* Andrew J. Zaring. Appeal from the supreme court of the Territory of Oklahoma. Dismissed with costs on motion of counsel for the appellant, and mandate granted.

N. 44. The United States, appellant, *v.* R. P. Andrews & Comapny. Argument concluded by Mr. Assistant Attorney-General Van Orsdel for the appellant, and cause submitted by Mr. A. A. Hoekling, jr., for the appellees.

No. 45. Thomas Polk et al. *v.* Mutual Reserve Fund Life Association of New York et al. Argument commenced by Mr. Wm. Hepburn Russell for Polk et al., continued by Mr. Frank H. Platt for the Mutual Reserve Fund Life Association et al., and concluded by Mr. Wm. Hepburn Russell for Polk et al.

No. 46. Oregon Short Line Railroad Company, plaintiff in error, *v.* Adda McManus, for herself, etc. Submitted by Mr. Martin L. Clardy and Mr. J. D. Howe for the plaintiff in error, and by Mr. Henry W. Bond and Mr. Wm. C. Marshall for the defendant in error.

No. 47. W. J. Warder et al., plaintiffs in error, *v.* Wm. C. Cotton and Walter B. Grant, executors, etc. Submitted by Mr. A. Seymour Thurmond for the plaintiffs in error, and by Mr. Walter B. Grant for the defendants in error.

No. 49. Henry O. Houghton, trustee, etc., et al., appellants, *v.* George B. Cortelyou, Postmaster-General. George von L. Meyer substituted as the party appellee herein on motion of Mr. Wm. S. Hall for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, November 12, will be as follows: Nos. 49, 51, 53 (and 54), 55, 56, 57, 58, 59, 60 and 61.



SUPREME COURT OF THE UNITED STATES.

TUESDAY, NOVEMBER 12, 1907.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

Max Pam of Chicago, Ill., was admitted to practice.

No. 58. Modesto Munitiz Aguirre, appellant, *v.* Sobrinos de Ezquiaga. Appeal from the supreme court of Porto Rico. Dismissed with costs, pursuant to the tenth rule.

No. 227. Hunter M. Meriwether et al., plaintiffs in error, *v.* Annie B. Wood et al. Continued on motion of Mr. Frank Doster for the plaintiffs in error.

No. 49. Henry O. Houghton, trustee, et al., appellants, *v.* George von L. Meyer, Postmaster-General. Argument commenced by Mr. William S. Hall for the appellants, continued by Mr. Henry H. Glassie for the appellee, and concluded by Mr. Holmes Conrad for the appellants.

No. 51. George C. Rankin, receiver, etc., plaintiff in error, *v.* The City National Bank of Kansas City, Mo. Argument commenced by Mr. C. B. Ames for the plaintiff in error, and continued by Mr. John A. Eaton for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, November 13, will be as follows. Nos. 51, 53 (and 54). 55, 56, 57, 59, 60, 61, 62 and 63.

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SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, NOVEMBER 13, 1907.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

Hanson C. Coxe of New York City and Robert T. Lang of Washington, D. C., were admitted to practice.

No. 51. George C. Rankin, receiver, etc., plaintiff in error, *v.* The City National Bank of Kansas City, Mo. Argument continued by Mr. John A. Eaton for the defendant in error and concluded by Mr. C. B. Ames for the plaintiff in error.

Nos. 53 and 54. The Water, Light and Gas Company, appellant, *v.* The City of Hutchinson et al. Leave granted to three counsel for appellees to make oral argument herein on motion of Mr. Max Pam, for the appellees. Argument commenced by Mr. John F. Dillon for the appellant, continued by Mr. Max Pam, Mr. C. M. Williams and Mr. A. C. Malloy for the appellees, and concluded by Mr. Frank Doster for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, November 14, will be as follows: Nos. 55, 56, 57, 59, 60, 61, 62, 63, 64 and 65.

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SUPREME COURT OF THE UNITED STATES.

THURSDAY, NOVEMBER 14, 1907.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

William L. Parmenter of Lima, Ohio, was admitted to practice.

No. 55. Alaska Commercial Company et al., plaintiffs in error, *v.* George H. Melse et al. Argument commenced by Mr. William H. Gorham for the plaintiffs in error, continued by Mr. John C. Higgins for the defendants in error, and concluded by Mr. William H. Gorham for the plaintiffs in error.

No. 56. The Arkansas Southern Railroad Company et al., plaintiffs in error, *v.* The German National Bank. Argument commenced by Mr. E. B. Peirce for the plaintiffs in error, and continued by Mr. John Fletcher for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, November 15, will be as follows: Nos. 56, 57, 59, 60, 61, 62, 63, 64, 65 and 67.

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SUPREME COURT OF THE UNITED STATES.

FRIDAY, NOVEMBER 15, 1907.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

Benjamin Howe Conner of New York City, N. Y., was admitted to practice.

No. 56. The Arkansas Southern Railroad Company et al., plaintiffs in error, *v.* The German National Bank. Argument continued by Mr. John Fletcher for the defendant in error, and concluded by Mr. E. B. Peirce for the plaintiffs in error.

No. 57. Elbee Patch, administrator, etc., plaintiff in error, *v.* Wabash Railroad Company. Argument commenced by Mr. George C. Otto for the plaintiff in error, continued by Mr. Frederic D. McKenney for the defendant in error, and concluded by Mr. George C. Otto for the plaintiff in error.

No. 67. E. L. Vail et al., supervisors, etc., appellants, *v.* The Territory of Arizona. Argued by Mr. Samuel L. Kingan for the appellants, and by Mr. William C. Prentiss for the appellee.

Adjourned until Monday next at 12 o'clock.

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SUPREME COURT OF THE UNITED STATES.

MONDAY, NOVEMBER 18, 1907.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

Eugene Hale of St. Louis, Mo., Frederick A. Fenning of Washington, D. C., Robert S. Neblett of Corsicana, Tex., George W. Pound of Buffalo, N. Y., and J. Jerome Hahn of Providence, R. I., were admitted to practice.

No. 22. Elizabeth M. Chambers, plaintiff in error, *v.* The Baltimore & Ohio Railroad Company. In error to the supreme court of the State of Ohio. Judgment affirmed with costs. Opinion by Mr. Justice Moody. Mr. Justice Holmes specially concurring. Dissenting: Mr. Justice Harlan, Mr. Justice White and Mr. Justice McKenna.

No. 264. D. Hunter, jr., et al., plaintiffs in error, *v.* The City of Pittsburgh. In error to the supreme court of the State of Pennsylvania. Judgment affirmed with costs. Opinion by Mr. Justice Moody.

No. 85. The Central of Georgia Railway Company, plaintiff in error, *v.* William A. Wright, comptroller-general, etc., et al.; and

No. 89. The Georgia Railroad and Banking Company, plaintiff in error, *v.* William A. Wright, comptroller-general, et al. In error to the supreme court of the State of Georgia. Judgments reversed with costs and cases remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Day.

No. 238. William F. D. Taylor, petitioner, *v.* The United States. On writ of certiorari to the United States circuit court of appeals for the second circuit. Judgment of the United States circuit court of appeals reversed and cause remanded to the circuit court of the United States for the southern district of New York with directions to enter judgment for the defendant. Opinion by Mr. Justice Holmes.

No. 404. The United States, plaintiff in error, *v.* Neil Macdonald. In error to the circuit court of the United States for the eastern district of Louisiana. Judgment affirmed. Opinion by Mr. Justice Holmes.

No. 31. James E. Kent, plaintiff in error, *v.* The People of Porto Rico. In error to the supreme court of Porto Rico. Dismissed for the want of jurisdiction. Opinion by Mr. Justice White.

No. 19. The People of the State of Illinois *ex rel.* John McNichols, plaintiff in error, *v.* James Pease, sheriff, etc. In error to the supreme court of the State of Illinois. Judgment affirmed with costs. Opinion by Mr. Justice Harlan.

The Chief Justice announced the following orders of the court:

No. —, Original. *Ex parte*: In the matter of Francis S. Reisenberg and Daniel Gallagher, petitioners; and

No. —, Original. *Ex parte*: In the matter of Joseph Konrad, individually and as administrator of Paul Planovsky, deceased, petitioner. Motions for leave to file petitions for writs of mandamus granted, and rules to show cause awarded, returnable Monday, December 2, next.

No. 191. Estell County, Kentucky, petitioner, *v.* Talton Embry. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 390. The United States, plaintiff in error, *v.* Edward S. Thayer. Motion to advance granted and cause assigned for argument on Monday, February 24, after the case already set down for that day.

No. 425. The St. Paul, Minneapolis and Manitoba Railway Company et al., plaintiffs in error, *v.* The State of Minnesota *ex rel.* City of Minneapolis. Motion to advance to be heard after No. 92 denied.

No. 443. Arnold Louchheim & Co. et al., petitioners, *v.* James Watson Boyd. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 491. Great Northern Railway Company, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit granted, and the case advanced to be heard on Monday, January 6.

No. 362. The New York Continental Jewell Filtration Company, plaintiff in error, *v.* Mary E. Wynkoop. In error to the court of appeals of the District of Columbia. *Per curiam*: Writ of error dismissed for the want of jurisdiction. Code D. C., sec. 233; *Walker v. United States*, 4 Wall., 163; *Thompson v. Butler*, 95 U. S., 694; *District of Columbia v. Gannon*, 130 U. S., 229; *Baltimore & Potomac Railroad Company v. Hopkins*, 130 U. S., 210; *United States ex rel. Lisle v. Lynch*, 137 U. S., 280; *United States ex rel. Tayler v. Taft*, secretary, 203 U. S., 461.

No. 47. *W. J. Warder et al., plaintiffs in error, v. William C. Cotton and Walter B. Grant, executors.* In error to the circuit court of the United States for the western district of Texas. Per curiam: Writ of error dismissed for the want of jurisdiction. *Walter v. Loomis*, 197 U. S., 619; *Coloin v. Jacksonville*, 157 U. S., 368; *Chappell v. United States*, 160 U. S., 499; *Spencer v. Duplan Silk Company*, 191 U. S., 526; *Muse v. Arlington Hotel Company*, 168 U. S., 430; *Budzisz v. Illinois Steel Company*, 170 U. S., 41; *Jones v. United States*, 137 U. S., 212.

No. 356. *The United States, plaintiff in error, v. Adrian H. Larkin, intervenor and claimant.* Motion to advance submitted by Mr. Solicitor-General Hoyt for the plaintiff in error.

No. —, Original. Ex parte: In the matter of *Ephraim Simon*, petitioner. Motion for leave to file petition for writs of habeas corpus and certiorari submitted by Mr. Henry L. Lazarus for the petitioner.

Nos. 110 and 111. *White-Smith Music Publishing Company v. Apollo Company.* Leave granted to counsel for the *De Kleist Musical Instrument Manufacturing Company* and *The Rudolph-Wurlitzer Company* to file a brief herein on the side of the appellee, on motion of Mr. George W. Pound for said parties.

No. 426. *Jacob Bassing, plaintiff in error, v. Philo V. Cady, sheriff, etc.* Motion to advance submitted by Mr. J. Jerome Hahn for the defendant in error.

No. 488. *James R. Jetton, revenue agent, etc., et al., appellants, v. University of the South.* Motion to advance submitted by Mr. Charles T. Cates, jr., for the appellants.

No. 231. *The Kansas City Northwestern Railroad Company, appellant, v. Frederick Zimmerman, administrator, etc.* Death of Frederick Zimmerman suggested and appearance of E. A. Kelly, administrator de bonis non of the estate of L. Zimmerman, deceased, as the party appellee herein, in the place of Frederick Zimmerman, deceased, filed and entered on motion of Mr. Frederic D. McKenney in behalf of counsel for the appellee.

Adjourned until Monday, December 2, at 12 o'clock.

The day call for Monday, December 2, will be as follows: Nos. 364, 389, 23, 70, 192, 223 (and 224 and 225), 3, original, 96, 59, and 60.

SUPREME COURT OF THE UNITED STATES.

MONDAY, DECEMBER 2, 1907.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

George W. Meyer of Minneapolis, Minn., Francis M. Frazier of Bryan, Ohio, William W. Osborne of Savannah, Ga., Charles Edwin Scott of Bryan, Ohio, Royal A. Stone of St. Paul, Minn., Albert S. Hutchinson of Newton, Mass., John H. Light of South Norwalk, Conn., A. J. Biddison of Tulsa, Okla., Arthur B. Williams of Battle Creek, Mich., William Strite McDowell of Pittsburg, Pa., Morgan M. Mann of New York City, George C. Butte of Muskogee, Okla., Edward Francis Treadwell of San Francisco, Cal., Edgar C. Gerwig of Pittsburg, Pa., and Thomas C. Spelling of New York City, were admitted to practice.

No. 43. Sarah Chunn, plaintiff in error, *v.* The City and Suburban Railway of Washington. In error to the court of appeals of the District of Columbia. Judgment reversed with costs and cause remanded with directions to remand the cause to the supreme court of the District of Columbia with a direction to set aside the verdict and award a new trial. Opinion by Mr. Justice Moody.

No. 45. Thomas Polk et al. *v.* Mutual Reserve Fund Life Association of New York et al. On a certificate from the United States circuit court of appeals for the second circuit. Questions answered in the negative. Opinion by Mr. Justice Moody.

No. 28. American Tobacco Company, plaintiff in error, *v.* Emil Werckmeister. In error to the United States circuit court of appeals for the second circuit. Judgment affirmed with costs and cause remanded to the circuit court of the United States for the southern district of New York. Opinion by Mr. Justice Day.

No. 56. The Arkansas Southern Railroad Company et al., plaintiffs in error, *v.* The German National Bank. In error to the supreme court of the State of Arkansas. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Holmes.

No. 57. Elbee Patch, administrator, etc., plaintiff in error, *v.* Wabash Railroad Company. In error to the circuit court of the United

States for the southern district of Illinois. Judgment reversed with costs and cause remanded with directions to remand the case to the State court. Opinion by Mr. Justice Holmes.

No. 87. Bank of Kentucky et al., plaintiffs in error, *v.* The Commonwealth of Kentucky. In error to the court of appeals of the State of Kentucky. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 12. Henry M. Earle, administrator, etc., appellant, *v.* T. Percy Myers et al., administrators, etc. Appeal from the court of appeals of the District of Columbia. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Peckham.

No. 388. Henry M. Earle, administrator, etc., appellant, *v.* T. Percy Myers et al., administrators, etc. Appeal from the court of appeals of the District of Columbia. Decree reversed with costs and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Peckham.

No. 37. Ozan Lumber Company, petitioner, *v.* Union County National Bank of Liberty, Ind. On writ of certiorari to the United States circuit court of appeals for the eighth circuit. Judgments of circuit court of appeals and circuit court reversed with costs and cause remanded to said circuit court for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Peckham.

No. 34. Marcus K. Bitterman et al., petitioners, *v.* Louisville and Nashville Railroad Company. On writ of certiorari to the United States circuit court of appeals for the fifth circuit. Judgment affirmed and cause remanded to the circuit court of the United States for the eastern district of Louisiana. Opinion by Mr. Justice White.

No. 44. The United States, appellant, *v.* R. P. Andrews & Company. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice White.

No. 32. Mary V. Cortelyou et al., administrators, etc., et al., petitioners, *v.* Charles Eneu Johnson & Company. On writ of certiorari to the United States circuit court of appeals for the second circuit. Decree affirmed with costs and cause remanded to the circuit court of the United States for the southern district of New York. Opinion by Mr. Justice Brewer.

No. 67. E. L. Vail et al., as supervisors of Pima County, appellants, *v.* The Territory of Arizona. Appeal from the supreme court of the Territory of Arizona. Decree affirmed with costs. Opinion by Mr. Justice Brewer.

No. 161. John T. Shoener, plaintiff in error, *v.* The Commonwealth of Pennsylvania. In error to the supreme court of the State of Pennsylvania. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Harlan.

No. 283. Webster Coal and Coke Company, petitioner, *v.* A. J. Cassatt et al.; and

No. 284. Pennsylvania Coal and Coke Company, petitioner, *v. A. J. Cassatt et al.* On writs of certiorari to the United States circuit court of appeals for the third circuit. Judgments reversed with costs and causes remanded with directions to dismiss the writs of error. Opinion by Mr. Chief Justice Fuller.

The Chief Justice also announced the following:

No. 46. Oregon Short Line Railroad Company, plaintiff in error, *v. Adda McManus, etc.* In error to the St. Louis court of appeals, State of Missouri. Per curiam: Writ of error dismissed for the want of jurisdiction. *California Powder Works v. Davis*, 151 U. S., 389; *Dower v. Richards*, 151 U. S., 658; *Sayward v. Denny*, 158 U. S., 180; *Michigan Sugar Company v. Michigan*, 185 U. S., 112; *Mutual Life Insurance Company v. McGrew*, 188 U. S., 291. See opinion below, 118 Mo. App., 152.

No. 55. Alaska Commercial Company et al., plaintiffs in error, *v. George H. Melse et al.* In error to the supreme court of the State of Washington. Per curiam: Judgment affirmed with costs. *Gold Washing and Water Company v. Keyes*, 96 U. S., 199; *Chesapeake and Ohio Railway Company v. Dixon*, 179 U. S., 134; *Kansas City Suburban Belt Railway Company v. Herman*, 187 U. S., 63; *Alabama Great Southern Railway Company v. Thompson*, 200 U. S., 206; *Morris v. Gilmer*, 129 U. S., 328; *Offner v. Railroad Company*, 148 Fed. Rep., 201; *Knuth v. Railway Company*, 148 Fed. Rep., 3.

No. —, Original. Ex parte: In the matter of Ephraim Simon, petitioner. Motion for leave to file petition for a writ of habeas corpus and certiorari granted and rule to show cause awarded, returnable Monday, January 6, 1908.

No. 356. The United States, plaintiff in error, *v. Adrian H. Larkin, intervenor, etc.* Motion to advance granted and cause assigned for argument on Monday, January 6, 1908, after the case already set down for that day.

No. 426. Jacob Bassing, plaintiff in error, *v. Philo V. Cady, sheriff, etc.* Motion to advance granted and cause assigned for argument on Monday, January 6, 1908, after the cases already set down for that day.

No. 488. James R. Jetton, revenue agent, etc., et al., plaintiffs in error, *v. University of the South.* Motion to advance granted and cause assigned for argument on Monday, January 6, 1908, after the cases already set down for that day.

No. 9, Original. State of Louisiana, complainant, *v. James R. Garfield, Secretary of Interior, et al.* Motion to dismiss submitted by Mr. Attorney-General Bonaparte, Mr. Solicitor-General Hoyt and Mr. Glenn E. Husted in support of motion and by Mr. George H. Lamar in opposition thereto.

No. 467. Armour Packing Company, petitioner, *v. The United States;*

No. 468. Swift & Company, petitioner, *v. The United States;*

No. 469. Morris & Company, petitioner, *v.* The United States; and No. 470. Cudahy Packing Company, petitioner, *v.* The United States. Motion to advance submitted by Mr. Attorney-General Bonaparte for the respondent.

No. 505. Benjamin D. Greene et al., petitioner, *v.* The United States. Petitions for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. Frederic R. Coudert, Mr. Howard Taylor and Mr. B. F. Tracy for Benjamin D. Greene, and by Mr. Alexander A. Lawrence, Mr. William Garrard, Mr. William W. Osborne and Mr. P. W. Meldrim for John F. Gaynor, with leave to the respondent to file brief in opposition within ten days.

No. 300. The Equitable Life Assurance Society of the United States, petitioner, *v.* J. Willcox Brown. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Allan McCulloh and Mr. William B. Hornblower for the petitioner and by Mr. John R. Dos Passos for the respondent.

No. 506. Mackie-Lovejoy Manufacturing Company, petitioner, *v.* Marion H. Cazier. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. L. S. Bacon for the petitioner.

No. 435. Charles Ughbanks, plaintiff in error, *v.* A. N. Armstrong, warden, etc. Motion to advance submitted by Mr. Frederick S. Tyler in behalf of counsel for the plaintiff in error.

No. 507. Haight and Freese Company, petitioner, *v.* Anna L. H. Weiss, administratrix, etc., et al. Petitions for writs of certiorari and supersedeas to the United States circuit court of appeals for the first circuit submitted by Mr. Frederick S. Tyler in behalf of Mr. Albert I. Sire for the petitioner.

No. 264. D. Hunter, jr., et al., plaintiffs in error, *v.* The City of Pittsburgh. Mandate granted on motion of Mr. Edgar C. Gerwig in behalf of counsel.

No. 389. Dietrich Loewe et al. *v.* Martin Lawlor et al. Leave granted to file brief herein on behalf of the American Federation of Labor et al., on motion of Mr. Thomas C. Spelling in that behalf.

No. 474. Thomas F. Hunter, sheriff, etc., appellant, *v.* James H. Wood. Motion to advance submitted by Mr. Alfred P. Thom for the appellee.

No. 10, Original. *Ex parte*: In the matter of Edward T. Young, petitioner. Motion for leave to file brief herein on behalf of the Public Service Commission of New York submitted by Mr. Edward B. Whitney in support of motion and by Mr. James M. Beck in opposition thereto. Leave granted to file brief herein in behalf of the Southern Railway Company, on motion of Mr. Walker D. Hines in that behalf.

No. 496. Grand Trunk Western Railway Company, petitioner, *v.* William H. Gray. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. A. B. Browne in behalf of Mr. George W. Kretzinger for the petitioner and by Mr. John A. Brown for the respondent.

No. 153. The Chicago, Rock Island & Pacific Railway Company, plaintiff in error, *v.* John Stibbs. In error to the supreme court of the Territory of Oklahoma. Dismissed per stipulation.

No. 23. Jose Paraiso, plaintiff in error, *v.* The United States. Submitted by Mr. A. B. Browne and Mr. Alexander Britton for the plaintiff in error and by Mr. Solicitor-General Hoyt and Mr. Assistant Attorney-General Russell for the defendant in error.

No. 192. Nicolas Arces, plaintiff in error, *v.* The United States. In error to the supreme court of the Philippine Islands. Dismissed pursuant to the tenth rule.

No. 3, Original. State of Washington, complainant, *v.* State of Oregon. Reassigned for argument on Monday, January 6, 1908, after the cases already set down for that day, on motion of Mr. John M. Thurston in behalf of counsel.

No. 10, original. *Ex parte*: In the matter of Edward T. Young, petitioner. Two hours allowed to each side in the argument herein and three counsel allowed to make argument for the respondent. Argument commenced by Mr. Thomas D. O'Brien for the petitioner and continued by Mr. C. W. Bunn and Mr. Jared How for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, December 3, will be as follows: Nos. 364, 389, 70, 223 (and 224 and 225), 96, 59, 60, 61, 62, and 63.

O

SUPREME COURT OF THE UNITED STATES.

TUESDAY, DECEMBER 3, 1907.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

John B. Coleman of New York City, Hiram Chase of Pender, Nebr., and Elmer E. Clevenger of Bellaire, Ohio, were admitted to practice.

Nos. 223, 224 and 225. Frank de L. Carrington, plaintiff in error, *v.* The United States. Reassigned for argument on Monday, December 16, on motion of Mr. William R. Harr for the defendant in error.

No. 62. George Dick, plaintiff in error, *v.* The United States. Submitted by Mr. Frank E. Fogg for the plaintiff in error and by Mr. Attorney-General Bonaparte and Mr. William R. Harr for the defendant in error.

No. 10, Original. *Ex parte*: In the matter of Edward T. Young, petitioner. Argument continued by Mr. Jared How for the respondent, by Mr. Herbert S. Hadley for the petitioner, by Mr. J. F. McGee for the respondent, and concluded by Mr. Edward T. Young *pro se*.

No. 364. Consolidated Rendering Company, plaintiff in error, *v.* The State of Vermont, by Clarke C. Fitts, attorney-general. Argument commenced by Mr. Albert S. Hutchinson for the plaintiff in error and continued by Mr. Clarke C. Fitts for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, December 4, will be as follows: Nos. 364, 389, 70, 96, 59, 60, 61, 63, 64 and 65.

O

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, DECEMBER 4, 1907.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

Robert Luscombe of Milwaukee, Wis., was admitted to practice.

No. 10, Original. *Ex parte*: In the matter of Edward T Young, petitioner. Leave granted to Mr. E. B. Whitney to file brief herein as *amicus curiæ*.

No. 44. The United States, appellant, *v.* R. P. Andrews & Company. Mandate granted on motion of Mr. A. A. Hoehling, jr., for the appellees.

No. 64. William F. Prosser, plaintiff in error, *v.* George L. Finn. Submitted by Mr. James H. Hayden and Mr. Robert C. Hayden for the plaintiff in error and by Mr. B. S. Grosscup for the defendant in error.

No. 364. Consolidated Rendering Company, plaintiff in error, *v.* The State of Vermont, by Clarke C. Fitts, attorney-general. Argument continued by Mr. Clarke C. Fitts for the defendant in error and concluded by Mr. Freedom Hutchinson for the plaintiff in error.

No. 389. Dietrich Loewe and another *v.* Martin Lawlor et al. Argument commenced by Mr. James M. Beck for Loewe et al. and continued by Mr. John H. Light and Mr. John K. Beach for Lawlor et al.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, December 5, will be as follows: Nos. 389, 70, 96, 59, 60, 61, 63, 65, 69 and 71.

O

SUPREME COURT OF THE UNITED STATES.

THURSDAY, DECEMBER 5, 1907.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

Robert Pennington of Wilmington, Del., Allen M. Cox of Conneaut, Ohio, Carmi A. Thompson of Ironton, Ohio, Earle Stewart of Springfield, Ohio, Mott G. Spaulding of Conneaut, Ohio, Bernard P. Miller of Oakland, Cal., William A. Gett of Sacramento, Cal., and Frank M. McClintock of Union City, Pa., were admitted to practice.

No. 389. Dietrich Loewe and another *v.* Martin Lawlor et al. Argument continued by Mr. John K. Beach for Lawlor et al. and concluded by Mr. Daniel Davenport for Loewe et al.

No. 70. John M. Flemister, plaintiff in error, *v.* The United States. Submitted by Mr. Solicitor-General Hoyt and Mr. Assistant Attorney-General Russell for the defendant in error. No brief filed for the plaintiff in error.

No. 96. John Newton Williamson, plaintiff in error, *v.* The United States. Argument commenced by Mr. Charles A. Keigwin for the plaintiff in error and continued by Mr. William R. Harr and Mr. Attorney-General Bonaparte for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, December 6, will be as follows: Nos. 96, 59, 60, 61, 63, 65, 69, 71, 72 and 74.

O

SUPREME COURT OF THE UNITED STATES.

FRIDAY, DECEMBER 6, 1907.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

Rufus E. Foster of New Orleans, La., was admitted to practice.

No. 96. John Newton Williamson, plaintiff in error, *v.* The United States. Argument concluded by Mr. Charles A. Douglas for the plaintiff in error.

No. 61. Amelia M. Holt, appellant, *v.* Samuel Murphy et al. Argument commenced by Mr. William Frye White for the appellant, continued by Mr. J. H. Everest for the appellees and concluded by Mr. John S. Jenkins for the appellant.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, December 9, will be as follows: Nos. 60, 59, 63, 65, 69, 71, 72, 74, 75 and 76.



SUPREME COURT OF THE UNITED STATES.

MONDAY, DECEMBER 9, 1907.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

Raleigh Sherman of Sharpsburg, Md., James Byrne of New York City, Curtis R. Hatheway of New York City, Porter J. McCumber of Wahpeton, N. Dak., S. E. Ellsworth of Jamestown, N. Dak., George W. Soliday of Carrington, N. Dak., Robert S. Person of Howard, S. Dak., R. H. Todd of San Juan, P. R., Walter F. Frear of Honolulu, Hawaii, Frank Pierce of Salt Lake City, Utah, P. P. Hillerman of the Canal Zone, William C. Kennedy of San Jose, Cal., Luther James of Hattiesburg, Miss., and John Burke Hendry of New York City were admitted to practice.

No. 41. Heath and Milligan Manufacturing Company et al., appellants, *v. J. H. Worst*, director, etc. Appeal from the circuit court of the United States for the district of North Dakota. Decree affirmed with costs. Opinion by Mr. Justice McKenna.

No. 36. Atlantic Coast Line Railroad Company, plaintiff in error, *v. J. H. Wharton et al.*, railroad commissioners, etc. In error to the supreme court of the State of South Carolina. Judgment reversed with costs and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Peckham.

The Chief Justice announced the following orders of the court:

No. 9, Original. State of Louisiana, complainant, *v. James R. Garfield*, Secretary of Interior, et al. Consideration of the motion to dismiss is postponed, without prejudice, to the final hearing.

No. 33. George Deslions et al., petitioners, *v. La Compagnie Generale Transatlantique*, owner, etc. Petition for cross writ of certiorari granted, the record on file to stand as a return to the writ, and leave granted to counsel to submit printed briefs on said cross writ within fifteen days.

No. 435. Charles Ughbanks, plaintiff in error, *v. A. N. Armstrong*, warden, etc. Motion to advance granted and cause assigned for argument on Monday, January 20, 1908.

No. 467. Armour Packing Company, petitioner, *v.* The United States;

No. 468. Swift & Company, petitioner, *v.* The United States;

No. 469. Morris & Company, petitioner, *v.* The United States; and

No. 470. Cudahy Packing Company, petitioner, *v.* The United States. Motion to advance granted and causes assigned for argument as one case on Monday, January 20, 1908, after the case already assigned for that day.

No. 474. Thomas F. Hunter, sheriff, etc., appellant, *v.* James H. Wood. Motion to advance granted and cause assigned for argument on Wednesday, December 18, at the head of the call for that day.

No. 300. The Equitable Life Assurance Society of the United States, petitioner, *v.* J. Wilcox Brown. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit granted.

No. 496. Grand Trunk Western Railway Company, petitioner, *v.* William H. Gray. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 506. Mackie-Lovejoy Manufacturing Company, petitioner, *v.* Marion H. Cazier. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 507. Haight & Freese Company, petitioner, *v.* Anna L. H. Weiss, administratrix, etc., et al. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit denied.

No. 77. The United States, appellant, *v.* The Mountain Copper Company (Limited). Passed for settlement on motion of Mr. Attorney-General Bonaparte for the appellant.

No. 517. Johnson & Johnson, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Edward S. Hatch for the petitioner, and by Mr. Attorney-General Bonaparte, Mr. Solicitor-General Hoyt and Mr. Assistant Attorney-General Sanford for the respondent.

No. 520. The United States, petitioner, *v.* James A. Hayes & Co. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit submitted by Mr. Attorney-General Bonaparte and Mr. Solicitor-General Hoyt for the petitioner, and by Mr. Albert H. Washburn, Mr. J. Stuart Tompkins and Mr. Charles P. Searle for the respondents.

No. —. The Rio Grande Dam and Irrigation Company et al., appellants, *v.* The United States. Motion to docket and dismiss and that mandate issue at once submitted by Mr. Attorney-General Bonaparte for the appellee.

No. 11, Original. Ex parte: In the matter of Francis S. Reisenberg et al., petitioners; and

No. 12, Original. Ex parte: In the matter of Joseph Konrad, etc., petitioner. Leave granted to Paul Fuller et al., receivers, etc., to file

suggestion herein on motion of Mr. Frederic R. Coudert in that behalf.

No. 508. Demetrius M. Steward et al., petitioners, *v.* American Lava Company et al.; and

No. 509. Moritz Kirchberger et al., petitioners, *v.* American Lava Company et al. Petitions for writs of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. Louis C. Raegenor for the petitioners, and by Mr. Charles Neane for the respondents.

No. 11, Original. *Ex parte*: In the matter of Francis S. Reisenberg et al., petitioners; and

No. 12, Original. *Ex parte*: In the matter of Joseph Konrad, etc., petitioner. Argument commenced by Mr. Roger Foster for the petitioners, continued by Mr. James Byrne and Mr. J. Parker Kirilin for the respondent, and concluded by Mr. Roger Foster for the petitioners.

No. 60. The Anheuser-Busch Brewing Association, appellant, *v.* The United States. Argued by Mr. L. T. Michener for the appellant and by Mr. Assistant Attorney-General Van Orsdel for the appellee.

No. 59. Francis Winslow et al., trustees, et al., plaintiffs in error, *v.* The Baltimore and Ohio Railroad Company. Argument commenced by Mr. William G. Johnson for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, December 10, will be as follows: Nos. 59, 63, 65, 69, 71, 72, 74, 75, 76 and 24.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, DECEMBER 10, 1907.

Present: Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

No. 2. Leonidas M. Lawson et al., petitioners, *v.* United States Mining Company. Mandate stayed for thirty days from this date on motion of Mr. A. B. Browne in behalf of counsel for petitioners.

No. 59. Francis Winslow et al., trustees, et al., plaintiffs in error, *v.* The Baltimore & Ohio Railroad Company. Argument continued by Mr. William G. Johnson for the plaintiffs in error, by Mr. George E. Hamilton and Mr. John W. Yerkes for the defendant in error, and concluded by Mr. William G. Johnson for the plaintiffs in error.

No. 63. The Disconto Gesellschaft, plaintiff in error, *v.* Augustus C. Umbreit. Argument commenced by Mr. F. C. Winkler for the plaintiff in error and continued by Mr. Joseph B. Doe for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, December 11, will be as follows: Nos. 63, 65, 69, 71, 72, 74, 75, 76, 78 and 78.

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SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, DECEMBER 11, 1907.

Present: Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

William W. Flournoy of De Funiak Springs, Fla., was admitted to practice.

Mr. Justice Harlan announced that the members of the court would attend the funeral to-morrow of the grandson of the Chief Justice, and as an expression of their sympathy for the Chief Justice and the members of his family the court when it adjourned to-day would adjourn to Friday at the usual hour of meeting.

No. 63. *The Disconto Gesellschaft*, plaintiff in error, *v.* *Augustus C. Umbreit*. Argument continued by Mr. Joseph B. Doe for the defendant in error and concluded by Mr. F. C. Winkler for the plaintiff in error.

No. 65. *Frank Blacklock*, executor, etc., appellant, *v.* *The United States*. Argument commenced by Mr. F. M. Cox for the appellant, continued by Mr. Charles F. Kincheloe for the appellee, and concluded by Mr. John M. Thurston for the appellant.

Adjourned until Friday at 12 o'clock.

The day call for Friday, December 13 will be as follows: Nos. 69, 71, 72, 74, 75, 76, 24, 78, 79 and 80.

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SUPREME COURT OF THE UNITED STATES.

FRIDAY, DECEMBER 13, 1907.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

Dent Minor of Memphis, Tenn., Marion G. Evans of Memphis, Tenn., Jesse G. Northcutt of Trinidad, Colo., Alfred R. Page of New York City, Edward A. Hafner of Cincinnati, Ohio, John M. Woolsey of New York City, George de Steigner of Seattle, Wash., and James B. Murphy of Seattle, Wash., were admitted to practice.

No. 76. Clim Yow, appellant, *v.* The United States. Submitted by Mr. Maxwell Evarts for the appellant and Mr. Assistant Attorney-General Cooley for the appellee, with leave to counsel for the appellant to file reply brief within five days.

No. 79. R. Allyn Lewis et al., appellants, *v.* Fred Herrera, receiver, etc. Submitted by Mr. Webster Street and Mr. J. L. B. Alexander for the appellants and Mr. William Herring for the appellee.

No. 69. Yosemite Gold Mining and Milling Company, plaintiff in error, *v.* E. L. Emerson et al. Argued by Mr. W. C. Kennedy for the plaintiff in error and by Mr. John E. Laskey for the defendants in error.

No. 71. The Old Dominion Steamship Company, owner, etc., petitioner, *v.* Primo & Gilmore, administrator, etc. Argued by Mr. Harrington Putnam for the petitioner and by Mr. J. Parker Kirlin and Mr. George Whitefield Betts, jr., for the respondent.

No. 72. Eugene F. Robinson, appellant, *v.* Andrew B. Duvall, executor, et al. Argued by Mr. Charles H. Merillat for the appellant and submitted by Mr. Edward H. Thomas and Mr. A. B. Duvall for the appellees.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, December 16, will be as follows: Nos. 223 (and 224 and 225), 74, 75, 24, 78, 80, 81, 82, 83 and 84.

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SUPREME COURT OF THE UNITED STATES.

MONDAY, DECEMBER 16, 1907.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

Thomas P. Fay of Long Branch, N. J., Carl C. Wright of Omaha, Nebr., and Roger Miller Lee of Cleveland, Ohio, were admitted to practice.

No. 29. Emil Werckmeister, plaintiff in error, *v.* American Tobacco Company. In error to the United States circuit court of appeals for the second circuit. Judgment affirmed with costs and cause remanded to the circuit court of the United States for the southern district of New York. Opinion by Mr. Justice Day.

No. 23. Jose Paraiso, plaintiff in error, *v.* The United States. In error to the supreme court of the Philippine Islands. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice Harlan.

No. 70. John M. Flemister, plaintiff in error, *v.* The United States. In error to the supreme court of the Philippine Islands. Judgment affirmed. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice Harlan.

No. 26. Vandalia Railroad Company, plaintiff in error, *v.* The State of Indiana *ex rel.* The City of South Bend. In error to the supreme court of the State of Indiana. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Brewer.

The Chief Justice announced the following orders of the court:

No. 72. Eugene F. Robinson, appellant, *v.* Andrew B. Duvall, executor, etc., et al. Appeal from the court of appeals of the District of Columbia. Decree affirmed with costs.

No. 508. Demetrius M. Steward et al., petitioners, *v.* American Lava Company et al.; and

No. 509. Moritz Kirchberger et al., petitioners, *v.* American Lava Company et al. Petitions for writs of certiorari to the United States circuit court of appeals for the sixth circuit granted.

No. 517. Johnson & Johnson, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 520. The United States, petitioner, *v.* James A. Hayes & Company. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit denied.

No. 7. Fritz Durein, plaintiff in error, *v.* The State of Kansas;

No. 8. Fred Ross, et al., plaintiffs in error, *v.* The State of Kansas; and

No. 9. Fred Simmons et al., plaintiffs in error, *v.* The State of Kansas. Assigned for argument on Monday, January 6, 1908, after the cases already assigned for that day.

The Chief Justice also announced that the court would take a recess from Monday, the 23d instant, to Monday, January 6, 1908.

No. 90. The United States, appellant, *v.* William G. Miller. Submitted, pursuant to the twentieth rule, by Mr. Solicitor-General Hoyt, Mr. Assistant Attorney-General Van Orsdel and Mr. John Q. Thompson for the appellant and by Mr. George A. King and Mr. William B. King for the appellee.

No. 501. Old Nick Williams Company, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit submitted by Mr. Solicitor-General Hoyt in behalf of Mr. Charles A. Moore for the petitioner.

No. 504. Richard Cohen et al., petitioners, *v.* The United States. Petitioner for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Joel M. Marx for the petitioners, and by Mr. Solicitor-General Hoyt and Mr. Assistant Attorney-General Cooley for the respondent.

No. 534. Eugenio Buitrago, appellant, *v.* The People of Porto Rico. Appeal from the supreme court of Porto Rico. Docketed and dismissed with costs on motion of Mr. Henry M. Hoyt for appellees.

No. 457. The Railroad Commission of Louisiana, appellant, *v.* Cumberland Telephone and Telegraph Company. Suggestion of diminution of the record and motion for a writ of certiorari submitted by Mr. E. Howard McCaleb, jr., for the appellant.

No. 527. James C. Whittaker, administrator, etc., petitioner, *v.* A. B. Baxter & Company, etc.; and

No. 528. Adolph Joseph, petitioner, *v.* A. B. Baxter & Company, etc. Petitions for writs of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Frederick M. Czaki for the petitioners, and by Mr. Edward Jacobs for the respondents.

No. 525. The Mills Transportation Company, petitioner, *v.* The Great Lakes Towing Company. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. F. H. Canfield for the petitioner, and by Mr. Harvey D. Goulder, Mr. S. H. Holding and Mr. F. S. Masten for the respondent.

No. —. Original. Ex parte: In the matter of The State of Nebraska, petitioner. Motion for leave to file petition for a writ of mandamus submitted by Mr. Norris Brown in behalf of counsel for petitioner.

No. —. Original. Ex parte: In the matter of William W. Bierce (Limited), petitioner. Motion for leave to file petition for a writ of mandamus submitted by Mr. Frederic D. McKenney in behalf of counsel for the petitioner, and by Mr. A. B. Browne and Mr. Alex. Britton in opposition.

No. 105. Marcellus Thomas, plaintiff in error, *v.* The State of Texas. Time in which to print record herein extended for sixty days on motion of Mr. Frederick S. Tyler in behalf of counsel for the plaintiff in error.

No. 409. Corsicana Petroleum Company, petitioner, *v.* W. H. Staley. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. Frederick S. Tyler and Mr. W. J. McKie for the petitioner, and by Mr. E. St. Clair Thompson and Mr. Robert S. Neblett for the respondent.

No. 50. John A. Curtin, trustee, appellant, *v.* Gertrude F. Tucker. Appeal from the United States circuit court of appeals for the first circuit. Dismissed per stipulation.

No. 361. L. L. McCandless, plaintiff in error, *v.* George R. Carter, governor, etc., et al. Motions to dismiss submitted by Mr. Charles F. Clemons in support of motions, and by Mr. A. G. M. Robertson in opposition thereto.

Nos. 223, 224 and 225. Frank de L. Carrington, plaintiff in error, *v.* The United States. Argued by Mr. Holmes Conrad for the plaintiff in error, and by Mr. Solicitor-General Hoyt for the defendant in error.

No. 74. Louis Stewart, plaintiff in error, *v.* The State of Louisiana. Submitted by Mr. Murphy J. Foster for the plaintiff in error, and by Mr. Walter Guion and Mr. F. C. Zacharie for the defendant in error.

No. 75. I. M. Darnell & Son Co. et al., plaintiffs in error, *v.* The City of Memphis et al. Argued by Mr. Dent Minor for the plaintiffs in error, and by Mr. Marion G. Evans for the defendants in error.

No. 24. The United States *v.* A. Graf Distilling Company. Argued by Mr. Assistant Attorney-General Cooley for the United States, and by Mr. Warwick M. Hough for the A. Graf Distilling Company.

No. 78. R. M. Henningsen et al., appellants, *v.* United States Fidelity and Guaranty Company, of Baltimore, Md., et al. Argument commenced by Mr. George E. de Steiguer for the appellants and continued by Mr. James B. Murphy for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, December 17, will be as follows: Nos. 78, 80, 81, 82, 83, 84, 86, 88, 91 and 92.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, DECEMBER 17, 1907.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

Howard Mansfield of New York City, William E. Hawkins of Dallas, Tex., John F. Callahan of Casselton, N. Dak., Willard B. Overson of Williston, N. Dak., Ernest S. Cary of Minneapolis, Minn., Albert C. Finney of Minneapolis, Minn., and George W. Buckner of Enid, Okla., were admitted to practice.

No. 335. *J. I. Case Threshing Machine Company, petitioner, v. The Indiana Manufacturing Company.* On a writ of certiorari to the United States circuit court of appeals for the seventh circuit. Dismissed without costs to either party, per stipulation, on motion of Mr. Melville Church in behalf of counsel.

No. 86. *John Shaleen, plaintiff in error, v. The Commonwealth of Pennsylvania.* In error to the supreme court of the State of Pennsylvania. Dismissed with costs pursuant to the tenth rule.

No. 78. *R. M. Henningsen et al., appellants, v. United States Fidelity and Guaranty Company of Baltimore, Md., et al.* Argument continued by Mr. James B. Murphy for the appellees, and concluded by Mr. George E. de Steiguer for the appellants.

No. 80. *Concepcion Calvo, appellant, v. Angeles O. Gutierrez et al.* Argued by Mr. Howard Thayer Kingsbury for the appellant. No counsel appeared for the appellees.

No. 81. *The Minneapolis, St. Paul and Sault Ste. Marie Railway Company, plaintiff in error, v. Thomas Doughty.* Argued by Mr. Alfred H. Bright for the plaintiff in error, and by Mrs. S. E. Ellsworth for the defendant in error.

No. 82. *The Southern Pine Lumber Company et al., plaintiffs in error and appellants, v. W. B. Ward et al.* Submitted by Mr. Henry F. Woodard and Mr. A. A. Birney for the plaintiffs in error and appellants, and by Mr. John C. Moore, Mr. D. W. Buckner and Mr. George W. Buckner for the defendants in error and appellees.

No. 83. Val Marciniak, plaintiff in error, *v.* The State of Minnesota. Argument commenced by Mr. Ernest S. Cary for the plaintiff in error. The court declined to hear further argument.

No. 84. The Cleveland Terminal and Valley Railroad Company et al., appellants, *v.* The Cleveland Steamship Company. Argument commenced by Mr. Roger M. Lee for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, December 18, will be as follows: Nos. 84, 474, 88, 91, 92, 94, 95, 97, 98 and 99.

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SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, DECEMBER 18, 1907.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

Charles B. Aycock of Goldsboro, N. C., and Thomas S. Fuller of New York City were admitted to practice.

No. 474. Thomas F. Hunter, sheriff, etc., appellant, *v.* James H. Wood. Three hours allowed to each side and three counsel for each side to be heard in the argument herein on motion of Mr. Alexander P. Humphrey for appellee.

No. 536. Utah Consolidated Mining Company, petitioner, *v.* James Godfrey et al. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. George Sutherland, Mr. Louis Marshall, Mr. Samuel Untermyer and Mr. Waldemar Van Cott for the petitioner, and by Mr. Joseph L. Rawlins and Mr. William H. King for the respondents.

No. 94. Aaron Bluthenthal et al., plaintiffs in error, *v.* Angus O. Jones, administrator, etc. Submitted by Mr. Benjamin Z. Phillips and Mr. John M. Slaton for the plaintiffs in error, and by Mr. Solon G. Wilson for the defendant in error.

No. 84. The Cleveland Terminal and Valley Railroad Company et al., appellants, *v.* The Cleveland Steamship Company. Argument continued by Mr. Roger M. Lee for the appellants, by Mr. F. S. Masten and Mr. Harvey D. Goulder for the appellee, and concluded by Mr. Roger M. Lee for the appellants.

No. 474. Thomas F. Hunter, sheriff, etc., appellant, *v.* James H. Wood. Argument commenced by Mr. E. J. Justice for the appellant, and continued by Mr. Alfred P. Thom for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, December 19, will be as follows: Nos. 474, 88, 91, 92, 95, 97, 98, 99, 101 (and 102) and 103.

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SUPREME COURT OF THE UNITED STATES.

THURSDAY, DECEMBER 19, 1907.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

No. 4, Original. Commonwealth of Virginia, complainant, *v.* State of West Virginia. Forms of order for appointment of master, etc., submitted by Mr. Holmes Conrad for complainant, and by Mr. John G. Carlisle for defendant.

No. 474. Thomas F. Hunter, sheriff, etc., appellant, *v.* James H. Wood. Argument continued by Mr. Alfred P. Thom for the appellee, by Mr. J. H. Merrimon for the appellant, by Mr. Walker D. Hines and Mr. Alexander Pope Humphrey for the appellee, and concluded by Mr. C. B. Aycock for the appellant. Leave granted counsel for the appellee to file an additional brief on or before the 23d instant, and to counsel for appellant to reply thereto within one day thereafter.

No. 88. The City of Omaha et al., appellants, *v.* The Omaha Water Company. Argument commenced by Mr. John L. Webster for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, December 20, will be as follows: Nos. 88, 91, 92, 95, 97, 98, 99, 101 (and 102), 103 and 104.



SUPREME COURT OF THE UNITED STATES.

FRIDAY, DECEMBER 20, 1907.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

W. E. Pope of Madisonville, Tex., and William H. Abel of Montesano, Wash., were admitted to practice.

No. 232. Duluth and Superior Bridge Company, appellant, *v.* Steamer Troy, etc. Submitted pursuant to the twentieth rule by Mr. Charles E. Kremer for the appellant, and by Mr. Harvey D. Goulder, Mr. Frank S. Masten and Mr. H. A. Kelley for the appellee.

No. 88. The City of Omaha et al., appellants, *v.* The Omaha Water Company. The court declined to hear further argument.

No. 91. D. Sullivan, plaintiff in error, *v.* The State of Texas. Argued by Mr. Charles W. Ogden for the plaintiff in error, and by Mr. William E. Hawkins for the defendant in error.

No. 92. Northern Pacific Railway Company, plaintiff in error, *v.* The State of Minnesota ex rel. The City of Duluth. Argument commenced by Mr. Charles W. Bunn for the plaintiff in error, and continued by Mr. Bert Fesler for the defendant in error.

Adjourned until Monday next at 12 o'clock.



SUPREME COURT OF THE UNITED STATES.

MONDAY, DECEMBER 23, 1907.

Present: The Chief Justice, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

James R. Sloane of New York City was admitted to practice.

No. 71. The Old Dominion Steamship Company, owner, etc., petitioner, *v.* Primus Gilmore, administrator, et al. On writ of certiorari to the United States circuit court of appeals for the second circuit. Decree affirmed with costs and cause remanded to the district court of the United States for the southern district of New York. Opinion by Mr. Justice Holmes.

Nos. 53 and 54. The Water, Light and Gas Company of Hutchinson, Kansas, appellant, *v.* The City of Hutchinson et al. Appeals from the circuit court of the United States for the district of Kansas. Decrees affirmed with costs. Opinion by Mr. Justice McKenna.

The Chief Justice announced the following orders of the court:

No. —, Original. *Ex parte*: In the matter of the State of Nebraska, petitioner. Motion for leave to file petition for a writ of mandamus granted and rule to show cause awarded, returnable Monday, January 6, 1908.

No. —, Original. *Ex parte*: In the matter of W. W. Bierce (Limited), petitioner. Motion for leave to file petition for a writ of mandamus granted and rule to show cause awarded, returnable Monday, January 27, 1908.

No. 361. L. L. McCandless, plaintiff in error, *v.* George R. Carter, governor, etc., et al. Writ of error dismissed as to George R. Carter, governor, etc., and motion to dismiss as to Pratt, commissioner, etc., postponed to the hearing on the merits.

No. 457. The Railroad Commission of Louisiana, appellant, *v.* Cumberland Telephone and Telegraph Company. Motion for writ of certiorari granted without prejudice. Additional record presented with the application to stand as a return to the writ.

No. 501. Old Nick Williams Company, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit granted.

No. 409. Corsicana Petroleum Company, petitioner, *v.* W. H. Staley. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 504. Richard Cohen et al., petitioners, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 505. Benjamin D. Greene et al., petitioners, *v.* The United States. Petitions for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 525. The Mills Transportation Company, petitioner, *v.* The Great Lakes Towing Company. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 527. James C. Whittaker, administrator, etc., petitioner, *v.* A. B. Baxter and Company; and

No. 528. Adolph Joseph, petitioner, *v.* A. B. Baxter and Company. Petition for writs of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 536. Utah Consolidated Mining Company, petitioner, *v.* James Godfrey et al. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 74. Louis Stewart, plaintiff in error, *v.* The State of Louisiana. In error to the supreme court of the State of Louisiana. Per curiam: Writ of error dismissed for the want of jurisdiction. *Jacobi v. Alabama*, 187 U. S., 133; *id.*, 386; *Railway Company v. McGuire*, 196 U. S., 128; *Cox v. Texas*, 202 U. S., 446; *West v. Louisiana*, 194 U. S., 258; *Chapin v. Fye*, 179 U. S., 127; *Louisiana v. Deffele*, 44 La. An., 581, and cases; *Louisiana v. Hennessy*, 44 La. An., 805.

No. 83. Val Marciniak, plaintiff in error, *v.* The State of Minnesota. In error to the supreme court of the State of Minnesota. Per curiam: Judgment affirmed with costs. *Natal v. Louisiana*, 139 U. S., 623; *Wilson v. North Carolina*, 169 U. S., 586; *Hamblin v. Western Land Company*, 147 U. S., 531.

No. 88. The City of Omaha et al., appellants, *v.* The Omaha Water Company. Appeal from the United States circuit court of appeals for the eighth circuit. Per curiam: Appeal dismissed for want of jurisdiction. *Schlosser v. Hemphill*, 198 U. S., 173; *Boem Company v. United States*, 202 U. S., 613; *California Consolidated Mining Company v. Manley*, 203 U. S., 579. Certiorari denied. *Chicago and Northwestern Railway Company v. Osborne*, 146 U. S., 354; *McLish v. Roff*, 141 U. S., 661; *Forsythe v. Hammond*, 166 U. S., 506.

No. 323. William Gordon Crawford, petitioner, *v.* The United States. Motion to advance submitted by Mr. Solicitor-General Hoyt for the respondent.

No. 438. Thomas Battle, plaintiff in error, *v.* The United States. Motions to advance and for leave to proceed in forma pauperis submitted by Mr. Solicitor-General Hoyt in behalf of counsel for plaintiff in error.

No. 503. The United States, plaintiff in error, *v.* James Bitty. Motion to advance submitted by Mr. Solicitor-General Hoyt for the plaintiff in error.

No. 488. James R. Jetton, revenue agent, etc., et al., appellants, *v.* University of the South. Reassigned for argument on Monday, January 27, 1908, on motion of Mr. Edward T. Sanford in behalf of counsel.

No. 535. Bradley W. Palmer et al., petitioners, *v.* The State of Texas et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. Moorfield Storey for the petitioners, with leave to Mr. T. W. Gregory to file brief for respondents within five days. Stay of proceedings in court below granted until the further order of this court.

No. 473. Adolphus Coulson, plaintiff in error, *v.* The Government of the Canal Zone. Leave granted to plaintiff in error to proceed in forma pauperis on motion of Mr. Moorfield Storey for the plaintiff in error.

No. 72. Eugene F. Robinson, appellant, *v.* Andrew B. Duvall, executor, etc., et al. Mandate granted on motion of Mr. A. B. Duvall for the appellees.

No. 542. Lawrence E. Sexton, as receiver, etc., petitioner, *v.* Armstrong Cork Company. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. William M. Coleman in behalf of Mr. William D. Guthrie, Mr. E. C. Henderson and Mr. Wallace Macfarlane for the petitioner, and by Mr. Herbert Noble and Mr. James R. Sloane for the respondent.

No. 92. Northern Pacific Railway Company, plaintiff in error, *v.* The State of Minnesota ex rel. The City of Duluth. Argument concluded by Mr. Bert Fesler for the defendant in error.

Adjourned until Monday, January 6, 1908, at 12 o'clock.

The day call for Monday, January 6, 1908, will be as follows: Nos. 491, 356, 426, 3, original, 7 (and 8 and 9), 95, 97, 98, 99 and 101 (and 102).

SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 6, 1908.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

Josiah Gross of New Orleans, La., and Frank C. Collier of Los Angeles, Cal., were admitted to practice.

No. 40. The Wabash Railroad Company, plaintiff in error, *v.* The Adelbert College of the Western Reserve University et al. In error to the supreme court of the State of Ohio. Judgment reversed with costs and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice Moody. Dissenting: Mr. Justice Harlan and Mr. Justice Peckham.

No. 59. Francis Winslow et al., trustees, et al., plaintiffs in error, *v.* The Baltimore and Ohio Railroad Company. In error to the court of appeals of the District of Columbia. Judgment affirmed with costs. Opinion by Mr. Justice Moody.

No. 94. Aaron Bluthenthal et al., etc., plaintiffs in error, *v.* Angus O. Jones, administrator, etc. In error to the supreme court of the State of Florida. Judgment affirmed with costs. Opinion by Mr. Justice Moody.

No. 39. The People of the State of New York ex rel. Edward and John Burke, Limited, plaintiff in error, *v.* James L. Wells et al., commissioners, etc. In error to the supreme court of the State of New York. Judgment affirmed with costs. Opinion by Mr. Justice Day.

No. 69. Yosemite Gold Mining & Milling Company, plaintiff in error, *v.* E. L. Emerson et al. In error to the supreme court of the State of California. Judgment affirmed with costs. Opinion by Mr. Justice Day.

No. 90. The United States, appellant, *v.* William G. Miller. Appeal from the Court of Claims. Judgment modified and affirmed. Opinion by Mr. Justice Day.

No. 76. Chin Yow, appellant, *v.* The United States. Appeal from the district court of the United States for the northern district of California. Order reversed and cause remanded with a direction to issue the writ of habeas corpus. Opinion by Mr. Justice Holmes.

Nos. 223, 224 and 225. Frank De L. Carrington, plaintiff in error, *v.* The United States. In error to the supreme court of the Philippine Islands. Judgments reversed and causes remanded with directions to reverse the judgments of the court of first instance and remand the cases to that court with a direction to dismiss the complaints. Opinion by Mr. Justice Holmes.

No. 60. The Anheuser-Busch Brewing Association, appellant, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice McKenna.

No. 158. Henry Winters et al., appellants, *v.* The United States. Appeal from the United States circuit court of appeals for the ninth circuit. Decree affirmed and cause remanded to the circuit court of the United States for the district of Montana. Opinion by Mr. Justice McKenna. Dissenting: Mr. Justice Brewer.

No. 96. John Newton Williamson, plaintiff in error, *v.* The United States. In error to the circuit court of the United States for the district of Oregon. Judgment reversed as to defendant Williamson and cause remanded with directions to set aside the verdict of the jury and grant a new trial as to the defendant Williamson. Opinion by Mr. Justice White. Dissenting: Mr. Justice Harlan.

No. 216. Damselle Howard, administratrix, etc., plaintiff in error, *v.* The Illinois Central Railroad Company et al. In error to the circuit court of the United States for the western district of Tennessee. Judgment affirmed with costs. Opinion by Mr. Justice White. Specially concurring: Mr. Justice Peckham, Mr. Chief Justice Fuller and Mr. Justice Brewer. Dissenting: Mr. Justice Moody, Mr. Justice Harlan, Mr. Justice McKenna and Mr. Justice Holmes.

No. 222. N. C. Brooks, administratrix, etc., plaintiff in error, *v.* Southern Pacific Company. In error to the circuit court of the United States for the western district of Kentucky. Judgment affirmed with costs. Opinion by Mr. Justice White. Specially concurring: Mr. Justice Peckham, Mr. Chief Justice Fuller and Mr. Justice Brewer. Dissenting: Mr. Justice Moody, Mr. Justice Harlan, Mr. Justice McKenna and Mr. Justice Holmes.

No. 364. Consolidated Rendering Company, plaintiff in error, *v.* The State of Vermont, by Clarke C. Fitts, attorney-general. In error to the supreme court of the State of Vermont. Judgment affirmed with costs. Opinion by Mr. Justice Peckham.

No. 61. Amelia M. Holt, appellant, *v.* Samuel Murphy et al. Appeal from the supreme court of the Territory of Oklahoma. Decree affirmed with costs and cause remanded to the supreme court of the State of Oklahoma. Opinion by Mr. Justice Brewer.

No. 91. D. Sullivan, plaintiff in error, *v.* The State of Texas. In error to the court of civil appeals for the third supreme judicial district of the State of Texas. Judgment affirmed with costs. Opinion by Mr. Justice Brewer.

The Chief Justice announced the following orders of the court:

No. —. The Rio Grande Dam & Irrigation Company et al., appellants, *v.* The United States. Motion to docket and dismiss denied.

No. 323. William Gordon Crawford, petitioner, *v.* The United States. Motion to advance granted and case assigned for argument on the first Tuesday of the next term.

No. 438. Thomas Battle, plaintiff in error, *v.* The United States. Motion for leave to proceed in forma pauperis granted and case assigned for argument on Monday, January 27, after the cases already set down for that day.

No. 503. The United States, plaintiff in error, *v.* John Bitty. Motion to advance granted and cause assigned for argument on Monday, January 27, after the cases already set down for that day.

No. 535. Bradley W. Palmer et al., petitioners, *v.* The State of Texas et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit granted.

No. 542. Lawrence W. Sexton, receiver, etc., petitioner, *v.* Armstrong Cork Company. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 104. Dona Maria Francisca O'Reilly de Camara, Countess of Buena Vista, plaintiff in error, *v.* John R. Brooke, major-general, U. S. Army. Passed, to be restored to the call under the provisions of section 9, rule 26, on motion of Mr. Solicitor-General Hoyt for the defendant in error.

No. 510. MacAndrews & Forbes Company, plaintiff in error, *v.* The United States; and

No. 511. J. S. Young Company, plaintiff in error, *v.* The United States. Motion to advance submitted by Mr. Solicitor-General Hoyt for the defendant in error in support of the motion, and by Mr. John D. Lindsay for the plaintiffs in error in opposition thereto.

No. 555. The United States, petitioner, *v.* J. T. B. Hillhouse. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Solicitor-General Hoyt for the petitioner, with leave to counsel for respondent to file brief on or before Friday next.

No. 524. Norfolk and Western Railway Company, petitioner, *v.* Louella May, administratrix, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit submitted by Mr. Theodore W. Reath and Mr. Joseph I. Doran for the petitioner, and by Mr. Clement Manly for the respondent.

No. 546. Sailors' Union of the Pacific et al., petitioner, *v.* Hammond Lumber Company. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. Jackson H. Ralston for the petitioner, with leave to Mr. S. S. Burdett to file brief for respondent on or before Friday next.

No. 540. Metropolitan Life Insurance Company, petitioner, *v.* Camilla B. Talbott, administratrix, etc. Petition for a writ of certio-

rari to the United States circuit court of appeals for the fifth circuit submitted by Mr. John W. Yerkes in behalf of Mr. Maurice E. Locke for the petitioner, and by Mr. M. L. Crawford for the respondent.

No. 551. Owen Ahearn, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Frederick S. Tyler for the petitioner, and by Mr. Solicitor-General Hoyt for the respondent.

No. 228. The American Surety Company of New York, plaintiff in error, *v.* The Akron Savings Bank Company et al. Motions to dismiss or affirm submitted by Mr. John C. Gittings in support of motions, and by Mr. Frederic D. McKenney in opposition thereto.

No. —, Original. *Ex parte*: In the matter of Catherine Schlemmer, petitioner. Motion for leave to file petition for writ of mandamus submitted by Mr. Frederic D. McKenney for petitioner.

No. 491. Great Northern Railway Company, petitioner, *v.* The United States. Leave granted to file brief herein as *amicus curiæ* on motion of Mr. Frederic D. McKenney in behalf of counsel.

Nos. 12 and 388. Henry M. Earle, administrator, etc., appellant, *v.* T. Percy Myers et al., administrators, etc. Motion to amend decrees herein submitted by Mr. John C. Gittings and Mr. Henry E. Davis for the appellants, with leave to Mr. T. Percy Myers for appellees to file reply brief within two days.

No. 5. United Land Association et al., plaintiffs in error, *v.* Lewis Abrahams et al. Motions to dismiss or affirm submitted by Mr. Charles H. Bates, Mr. W. B. Treadwell, Mr. Charles H. Lovell and Mr. P. F. Dunne in support of motions, and by Mr. C. A. Keigwin and Mr. J. J. Darlington in opposition thereto.

No. 7. Fritz Durein, plaintiff in error, *v.* The State of Kansas;

No. 8. Fred Ross et al., plaintiffs in error, *v.* The State of Kansas; and

No. 9. Fred Simmons et al., plaintiffs in error, *v.* The State of Kansas. Submitted by Mr. C. A. Magaw for the plaintiffs in error, and by Mr. C. C. Coleman and Mr. Fred S. Jackson for the defendant in error.

No. 99. Rafael Enriquez, administrator, etc., plaintiff in error, *v.* A. S. Watson & Co., Limited. Suggestion of diminution of the record and motions for writ of certiorari to pass and for leave to file affidavits of value submitted by Mr. Jackson H. Ralston for plaintiff in error.

No. 13, Original. *Ex parte*: In the matter of Ephraim Simon, petitioner. Argument commenced by Mr. Louis Marshall for the petitioner and continued by Mr. Harry H. Hall for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 7, will be as follows: Nos. 491, 356, 426, 3, original, 95, 97, 98, 99, 101 (and 102) and 6.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 7, 1908.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

John L. Sanford of Baltimore, Md., Francis M. Brooks of Honolulu, Hawaii, and James B. Rosser, jr., of New Orleans, La., were admitted to practice.

No. 13. Original. *Ex parte*: In the matter of Ephraim Simon, petitioner. Argument concluded by Mr. Henry L. Lazarus for the petitioner.

No. 491. Great Northern Railway Company, petitioner, *v.* The United States. Argument commenced by Mr. William R. Begg for the petitioner, continued by Mr. Assistant to the Attorney-General Purdy and Mr. Attorney-General Bonaparte for the respondent, and concluded by Mr. William R. Begg for the petitioner.

No. 356. The United States, plaintiff in error, *v.* Adrian H. Larkin, intervenor and claimant, etc. Argument commenced by Mr. Assistant Attorney-General Sanford for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 8, will be as follows: Nos. 356, 426, 3, original, 95, 97, 98, 99, 101 (and 102), 6 and 103.

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SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 8, 1908.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

David F. Anderson of Youngstown, Ohio, Hector M. Sinclair of Kearney, Nebr., Wilson A. Chase of Nowata, Okla., and James H. Van Dusen of Omaha, Nebr., were admitted to practice.

No. 356. The United States, plaintiff in error, *v.* Adrian H. Larkin, intervenor and claimant, etc. Argument continued by Mr. Assistant Attorney-General Sanford for the plaintiff in error, and concluded by Mr. H. H. McKeehan for the defendant in error.

No. 426. Jacob Bassing, plaintiff in error, *v.* Philo V. Cady, sheriff, etc. Certified copies of papers from secretary of state of Rhode Island ordered filed, without prejudice, on motion of Mr. J. Jerome Hahn for defendant in error. Argued by Mr. Edward D. Bassett for the plaintiff in error, and by Mr. J. Jerome Hahn for the defendant in error.

No. 3, Original. State of Washington, complainant, *v.* State of Oregon. Argument commenced by Mr. E. C. Macdonald for the complainant, and continued by Mr. A. M. Crawford for the defendant.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 9, will be as follows: Nos. 3, original, 95, 97, 98, 99, 101 (and 102), 6, 103, 106 and 107.

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SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 9, 1908.

Present: The Chief Justice, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

Elmer J. Burkett of Lincoln Nebr., James Hartnett of Chicago, Ill., A. B. Renehan of Santa Fe, N. Mex., and Richard William Stoutz of Mobile, Ala., were admitted to practice.

No. 3, Original. State of Washington, complainant, *v.* State of Oregon. Argument concluded by Mr. E. C. Macdonald for the complainant.

No. 95. George R. Elder et al., plaintiffs in error, *v.* Tingley S. Wood, impleaded, etc. Argued by Mr. George R. Elder for the plaintiffs in error, and by Mr. A. B. Browne for the defendant in error.

No. 97. The Yazoo and Mississippi Valley Railroad Company, appellant, *v.* The Mayor and Aldermen of the City of Vicksburg. Passed on account of sickness of counsel, to be restored to the call under the provisions of section 9, rule 26.

No. 98. A. W. Bennett, plaintiff in error and appellant, *v.* Sarah Grace Bennett. Argument commenced by Mr. James R. Keaton for the plaintiff in error and appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 10, will be as follows: Nos. 98, 99, 101 (and 102), 6, 103, 106, 107, 108, 109 and 110 (and 111).

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SUPREME COURT OF THE UNITED STATES.

FRIDAY, JANUARY 10, 1908.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

William D. Fenton of Portland, Oreg., and Howard T. Walden of New York City were admitted to practice.

No. 440. The St. Paul, Minneapolis & Manitoba Railway Company, plaintiff in error, *v.* John R. Donohue. Submitted pursuant to the twentieth rule by Mr. Thomas R. Benton for the plaintiff in error, and by Mr. John R. Donohue pro se.

No. 108. John H. Phillips et al., plaintiffs in error, *v.* W. E. Barrett et al. In error to the supreme court of appeals of the State of Virginia. Dismissed with costs pursuant to the tenth rule.

No. 98. A. W. Bennett, plaintiff in error and appellant, *v.* Sarah Grace Bennett. Leave granted to file reply brief on motion of Mr. James R. Keaton for plaintiff in error and appellant. Argument continued by Mr. L. T. Michener for the defendant in error and appellee, and concluded by Mr. James R. Keaton for the plaintiff in error and appellant.

No. 99. Rafael Enriquez, administrator, etc., plaintiff in error, *v.* A. S. Watson & Co., Limited. Motion for writ of certiorari granted and case passed temporarily.

No. 101. The Missouri Valley Land Company et al., plaintiffs in error, *v.* Asmus Wiese; and

No. 102. The Missouri Valley Land Company et al., plaintiffs in error, *v.* Carsten Waich. Argued by Mr. Charles A. Clark for the plaintiffs in error, and by Mr. James H. Van Dusen for the defendants in error.

No. 6. Ann M. Hairston, plaintiff in error, *v.* The Danville & Western Railway Company. Appearance of W. H. Hairston, administrator of Ann M. Hairston, deceased, as the party plaintiff in error herein filed and entered on motion of Mr. Waller R. Staples for the plaintiff in error.

No. 6. W. H. Hairston, administrator, etc., plaintiff in error, *v.* The Danville & Western Railway Company. Argument commenced by Mr. Waller R. Staples for the plaintiff in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 13, will be as follows: Nos. 6, 103, 106, 107, 109, 110 (and 111), 112 (and 113), 114, 122 (and 197) and 123.

SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 13, 1908.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

Madison R. Smith of Farmington, Mo., James H. Blount of Macon, Ga., Harry B. Adams of Portland, Oreg., Emma Reba Bailey of Washington, D. C., Arba S. Van Valkenburgh of Kansas City, Mo., and George H. Davis of Wilmington, Del., were admitted to practice.

No. 11, Original. *Ex parte*: In the matter of Francis S. Reisenberg et al., petitioners; and

No. 12, Original. *Ex parte*: In the matter of Joseph Konrad, etc., petitioner. Rules to show cause discharged, and petitions for writs of mandamus or prohibition denied. Opinion by Mr. Justice Peckham.

No. 64. William F. Prosser, plaintiff in error, *v.* George L. Finn. In error to the supreme court of the State of Washington. Judgment affirmed with costs. Opinion by Mr. Justice Harlan.

No. 65. Frank Blacklock, executor, etc., appellant, *v.* The United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Harlan.

The Chief Justice announced the following orders of the court:

Nos. 4 and 5. United Land Association et al., plaintiffs in error, *v.* Lewis Abrahams et al. Motions to dismiss or affirm postponed to the hearing on the merits, and cases assigned to be heard on Monday, January 27, after the cases already assigned for that day.

Nos. 12 and 388. Henry M. Earle, administrator, etc., appellant, *v.* T. Percy Myers et al., administrators, etc. Retaxation of costs in these cases, treating them as one case, ordered, and the clerk directed to report the same.

No. 228. The American Surety Company of New York, plaintiff in error, *v.* The Akron Savings Bank Company et al. Motions to dismiss or affirm postponed to the hearing on the merits.

No. 510. MacAndrews and Forbes Company, appellant, *v.* The United States; and

No. 511. J. S. Young Company, appellant, *v.* The United States. Motion to advance granted and cases assigned to be heard on the first Tuesday of the next term (October 13), after the case already assigned for that day.

No. 524. Norfolk & Western Railway Company, petitioner, *v.* Louella May, administratrix, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit denied.

No. 540. Metropolitan Life Insurance Company, petitioner, *v.* Camilla B. Talbott, administratrix, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 546. Sailors' Union of the Pacific et al., petitioners, *v.* Hammond Lumber Company. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 551. Owen Ahearn, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 7. Fritz Durein, plaintiff in error, *v.* The State of Kansas;

No. 8. Fred Ross et al., plaintiffs in error, *v.* The State of Kansas; and

No. 9. Fred. Simmons et al., plaintiffs in error, *v.* The State of Kansas. In error to the supreme court of the State of Kansas. Per curiam: Judgments affirmed with costs. Rippey *v.* Texas, 193 U. S., 504; case below, 70 Kansas, 1, and cases cited.

No. 159. E. J. Cotton et al., plaintiffs in error, *v.* The Territory of Hawaii, by C. S. Halloway, superintendent of public works. Passed to be restored to the call under the provisions of section 9, rule 26, on motion of Mr. Henry M. Hoyt in behalf of counsel.

No. 564. Jennie L. Graves et al., petitioners, *v.* Anna P. Ashburn, executrix, etc., et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. Marion Erwin and Mr. William J. Wallace for the petitioners.

No. 533. Charles Thomas, plaintiff in error, *v.* The State of Iowa. Motion to advance submitted by Mr. Simon Lyon in behalf of counsel for plaintiff in error.

No. 565. Scott County Macadamized Road Company, plaintiff in error, *v.* State of Missouri ex rel. T. D. Hines, attorney of Cape Girardeau County. Motion for supersedeas submitted by Mr. M. R. Smith in behalf of Mr. Edward S. Robert for the plaintiff in error in support of motion, and by Mr. T. D. Hines pro se in opposition thereto.

No. 6. W. H. Hairston, administrator, etc., plaintiff in error, *v.* The Danville and Western Railway Company. Argument continued by Mr. Walter R. Staples for the plaintiff in error, by Mr. George E. Hamilton for the defendant in error, and concluded by Mr. Abram P. Staples for the plaintiff in error.

No. 103. H. C. Crary et al., plaintiffs in error, *v.* Benjamin H. Dye et al. Argument commenced by Mr. H. B. Ferguson for the plaintiffs in error, and continued by Mr. W. B. Childers for the defendants in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 14, will be as follows: Nos. 103, 106, 107, 109, 110 (and 111), 112 (and 113), 114, 122 (and 197), 123 and 124.

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SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 14, 1908.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

No. 141. Juan R. Garzot et al., appellants, *v.* Maria Rios de Rubio; and

No. 142. Victor Buset et al., appellants, *v.* Maria Rios de Rubio. Passed temporarily on motion of Mr. Frederic D. McKenney for the appellee.

No. —, Original. Ex parte: In the matter of Catherine Schlemmer, petitioner. Motion for leave to file petition for a writ of mandamus withdrawn by Mr. Frederic D. McKenney for petitioner.

No. 124. The County Court of Braxton County et al., plaintiffs in error, *v.* The State of West Virginia ex rel. C. W. Dillon, State tax commissioner, etc., et al. Submitted by Mr. George E. Price for the plaintiffs in error, and by Mr. W. Mollohan for the defendants in error.

No. 103. H. C. Crary et al., plaintiffs in error, *v.* Benjamin H. Dye et al. Argument continued by Mr. W. B. Childers for the defendants in error, and concluded by Mr. H. B. Fergusson for the plaintiffs in error.

No. 106. James W. Donnell, petitioner, *v.* Herring-Hall-Marvin Safe Company et al. Argument commenced by Mr. George Peck Merrick for the petitioner, and continued by Mr. Charles H. Aldrich and Mr. Lawrence Maxwell, jr., for the respondents.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 15, will be as follows: Nos. 106, 107, 109, 110 (and 111), 112 (and 113), 114, 122 (and 197), 123, 125 and 126.

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SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 15, 1908.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

Nicholas J. Pritzker of Chicago, Ill., and James L. Coke of Wailuku, Hawaii, were admitted to practice.

No. 126. Modesto Munitiz Aguirre, appellant, *v.* Sobrinos de Ezquiga. Appeal from the supreme court of Porto Rico. Dismissed with costs pursuant to the tenth rule.

No. 106. James W. Donnell, petitioner, *v.* Herring-Hall-Marvin Safe Company et al. Argument continued by Mr. Lawrence Maxwell, jr., for the respondents, and concluded by Mr. S. S. Gregory for the petitioner.

No. 107. Curt Miller, plaintiff in error, *v.* The State of Oregon. Argument commenced by Mr. William D. Fenton for the plaintiff in error, continued by Mr. H. B. Adams and Mr. Louis D. Brandus for the defendant in error, and concluded by Mr. William D. Fenton for the plaintiff in error.

No. 109. The Atlantic Trust Company, petitioner, *v.* Edgar C. Chapman, receiver, etc. Argument commenced by Mr. Stanley W. Dexter for the petitioner.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 16, will be as follows: Nos. 109, 110 (and 111), 112 (and 113), 114, 122 (and 197), 123, 125, 128 and 129.

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SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 16, 1908.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

T. M. Zink of Le Mars, Iowa, and Hugh J. Miller of Livingston, Mont., were admitted to practice.

No. —. Original. Nelson Thomasson, jr., et al., petitioners, *v.* The Chicago Railways Company et al. Petition for appeal presented by Mr. Charles H. Aldrich for the petitioners, and matter assigned for hearing on Wednesday, the 22d instant.

No. 127. Modesto Munitiz Aguirre, appellant, *v.* Sobrinos de Ezquiaga. Appeal from the supreme court of Porto Rico. Dismissed with costs pursuant to the tenth rule.

No. 278. Jose Dolores Marquez et al., appellants, *v.* The Maxwell Land Grant Company. Appeal from the supreme court of the Territory of New Mexico. Dismissed with costs on motion of counsel for appellants.

No. 109. The Atlantic Trust Company, petitioner, *v.* Edgar C. Chapman, receiver, etc. Argument continued by Mr. Stanley W. Dexter for the petitioner, and by Mr. Edgar C. Chapman for respondent, and concluded by Mr. Stanley W. Dexter for the petitioner.

Nos. 110 and 111. White-Smith Music Publishing Company, appellant, *v.* Apollo Company. Argument commenced by Mr. Livingston Gifford for the appellant, and continued by Mr. Charles S. Burton for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 17, will be as follows: Nos. 110 (and 111), 112 (and 113), 114, 122 (and 197), 123, 125, 128, 129, 130 and 132.

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SUPREME COURT OF THE UNITED STATES.

FRIDAY, JANUARY 17, 1908.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

R. A. McDowell of Louisville, Ky., Bion A. Dodge of Fairbanks, Alaska, and William I. Gilbert of Duncan, Okla., were admitted to practice.

Nos. 110 and 111. White-Smith Music Publishing Company, appellant, *v.* Apollo Company. Argument continued by Mr. Charles S. Burton and Mr. John J. O'Connell for the appellee, and concluded by Mr. Livingston Gifford for the appellant.

No. 112. Edward E. Richards et al., appellants, *v.* The City of Mobile; and

No. 113. Ferdinand Phillips, plaintiff in error, *v.* The City of Mobile. Argued by Mr. Richard William Stoutz for the appellants and plaintiff in error, and by Mr. Burwell Boykin Boone for the appellee and defendant in error.

No. 114. Alberto Armstrong, liquidator, etc., appellant, *v.* Eduardo Fernandez et al. Submitted by Mr. N. B. K. Pettingill for the appellant. No counsel appeared for the appellees.

No. 122. Henry Arnold Richardson, trustee, etc., petitioner, *v.* John M. Shaw et al.; and

No. 197. Edward S. Thomas et al., trustees, etc., petitioners, *v.* Anna D. Taggart et al. Argument commenced by Mr. John Brooks Leavitt for the petitioner in No. 122.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 20, will be as follows: Nos. 122 (and 197), 435, 467 (and 468, 469 and 470), 123, 125, 128, 129, 130, 132 and 68.

O

SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 20, 1908.

Present: The Chief Justice. Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

G. W. Allen of Austin, Tex., Henry J. Livingston, jr., of Memphis, Tenn., Walter F. Murray of Cincinnati, Ohio, William B. Hale of New York City, Henry Veeder of Chicago, Ill., Stephen M. Yeaman of New York City, Julius F. Workum of New York City, William H. Linkins of Washington, D. C., James J. Sullivan of Lawrence, Mass., and Graham Sumner of New York City were admitted to practice.

No. 49. Henry O. Houghton, trustee, et al., appellants, *v.* George von L. Meyer, Postmaster-General. Appeal from the court of appeals of the District of Columbia. Decree modified and affirmed, costs in this court to be divided. Opinion by Mr. Justice Day.

No. 13, Original. *Ex parte*: In the matter of Ephraim Simon, petitioner. Rule discharged and petition for writs of habeas corpus and certiorari denied. Opinion by Mr. Justice Holmes.

No. 82. The Southern Pine Lumber Company et al., plaintiffs in error and appellants, *v.* W. B. Ward et al. In error to and appeal from the supreme court of the Territory of Oklahoma. Decree affirmed with costs and cause remanded to the supreme court of the State of Oklahoma. Opinion by Mr. Justice White.

No. 75. I. M. Darnell & Son Co. et al., plaintiffs in error, *v.* The City of Memphis et al. In error to the supreme court of the State of Tennessee. Judgment reversed with costs and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice White.

The Chief Justice announced the following orders of the court:

No. 533. Charles Thomas, plaintiff in error, *v.* The State of Iowa. Motion to advance granted and case assigned for argument on Monday, February 24, after the cases already set down for that day.

No. 564. Jennie L. Graves et al., petitioners, *v.* Anna P. Ashburn, executrix, etc., et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit granted.

No. 555. The United States, petitioner, *v.* J. T. B. Hillhouse. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 565. Scott County Macadamized Road Company, plaintiff in error, *v.* The State of Missouri ex rel. T. D. Hines, prosecuting attorney, etc. Motion for a supersedeas denied.

Nos. 12 and 388. Henry M. Earle, administrator, etc., appellant, *v.* T. Percy Myer et al, administrators, etc. It is ordered by the court that the clerk's fee for supervising the printing of the record in case No. 12 and the cost of printing same in this court be taxed against the appellees in case No. 388, tried with case No. 12 as one case, by stipulation of counsel.

No. 571. Charles C. May, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. Charles S. Voorhees and Mr. Reese H. Voorhees for the petitioner, with leave to respondent to file reply within two weeks.

No. 568. William T. Waggoner et al, petitioners, *v.* National Bank of Commerce of Kansas City, Mo., et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. Crammond Kennedy in behalf of Mr. W. O. Davis for the petitioners.

No. 557. The Chicago & Alton Railway Company, petitioner, *v.* The United States;

No. 558. John N. Faithorn, petitioner, *v.* The United States; and

No. 559. Fred A. Wann, petitioner, *v.* The United States. Petition for writs of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. Blackburn Esterline, Mr. F. S. Winston, Mr. Robert Mather, Mr. John Barton Payne and Mr. S. H. Strawn for the petitioners, and by Mr. Solicitor-General Hoyt and Mr. Assistant to the Attorney-General Purdy for the respondent.

No. 552. The Chicago, Burlington & Quincy Railway Company, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. O. M. Spencer and Mr. O. H. Dean for the petitioner, and by Mr. Solicitor-General Hoyt and Mr. Assistant to the Attorney-General Purdy for the respondent.

No. 485. Clarence H. Venner, appellant, *v.* Great Northern Railway Company et al. Advanced pursuant to the thirty-second rule, on motion of Mr. Abram J. Rose for the appellant, and cause submitted by Mr. Abram J. Rose, Mr. George H. Yeaman and Mr. A. C. Petté for the appellant, and by Mr. Julius F. Workum for the appellees.

No. 359. North Shore Boom and Driving Company, plaintiff in error, *v.* Nicomen Boom Company. Motions to dismiss or affirm submitted by Mr. Charles H. Bates in behalf of Mr. W. W. Cotton and Mr. James G. Wilson for the defendant in error in support of

motions, and by Mr. W. H. Abel, Mr. James B. Howe and Mr. Samuel H. Piles for the plaintiff in error in opposition thereto.

No. 435. Charles Ughbanks, plaintiff in error, *v.* A. N. Armstrong, warden, etc. Submitted by Mr. John B. Chaddock for the plaintiff in error, and by Mr. John E. Bird and Mr. Henry E. Chase for the defendant in error.

No. 122. Henry Arnold Richardson, trustee, etc., petitioner, *v.* John M. Shaw et al.; and

No. 197. Edward S. Thomas et al., trustees, etc., petitioners, *v.* Anna D. Taggart et al. Argument continued by Mr. John Brooks Leavitt for the petitioner in No. 122, by Mr. Louis Marshall for the respondents in No. 122, by Mr. John Brooks Leavitt for the petitioner in No. 122, by Mr. Abram I. Elkus for the petitioners in No. 197, by Mr. Graham Sumner and Mr. George E. Hall for the respondents in No. 197, and concluded by Mr. Abram I. Elkus for the petitioners in No. 197.

No. 122. Henry Arnold Richardson, trustee, etc., petitioner, *v.* John M. Shaw et al. Death of Henry Arnold Richardson suggested and appearance of Alfred W. Putnam, his successor as trustee, as the party petitioner herein, filed and entered on motion of Mr. Abram I. Elkus in behalf of counsel for petitioner.

No. 467. Armour Packing Company, petitioner, *v.* The United States;

No. 468. Swift & Company, petitioner, *v.* The United States;

No. 469. Morris & Company, petitioner, *v.* The United States; and

No. 470. Cudahy Packing Company, petitioner, *v.* The United States. Three counsel allowed to make oral argument for the respondent on motion of Mr. Attorney-General Bonaparte for the respondent. Argument commenced by Mr. Frank Hagerman for the petitioners.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 21, will be as follows: Nos. 467 (and 468, 469 and 470), 123, 125, 128, 129, 130, 132, 68, 135 and 136.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 21, 1908.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

Henry S. McAuley of Chicago, Ill., and Charles Dushkind of New York City were admitted to practice.

No. 129. United Dictionary Company, appellant, *v.* G. & C. Merriam Company. Leave granted to file brief herein as amicus curæ on motion of Mr. S. H. Olin in that behalf.

No. 136. Herring-Hall-Marvin Safe Company, petitioner, *v.* Hall's Safe Company et al. Passed temporarily per stipulation.

No. 467. Armour Packing Company, petitioner, *v.* The United States;

No. 468. Swift & Company, petitioner, *v.* The United States;

No. 469. Morris & Company, petitioner, *v.* The United States; and

No. 470. Cudahy Packing Company, petitioner, *v.* The United States. Argument continued by Mr. Frank Hagerman and Mr. J. C. Cowin for the petitioners, by Mr. A. S. Van Valkenburgh, Mr. Assistant to the Attorney-General Purdy and Mr. Attorney-General Bonaparte for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 22, will be as follows: Nos. 467 (468, 469 and 470), 123, 125, 128, 129, 130, 132, 135, 137 and 138.

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SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 22, 1908.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

William W. Gurley of Chicago, Ill., Walter L. Fisher of Chicago, Ill., John R. Montgomery of Chicago, Ill., Ralph M. Shaw of Chicago, Ill., Will H. Clark of Chicago, Ill., Howard M. Carter of Chicago, Ill., Colin C. H. Fyffe of Chicago, Ill., Walter H. Chamberlin of Chicago, Ill., John O'Connor of Chicago, Ill., W. Calvin Chestnut of Baltimore, Md., Arthur C. Fraser of New York City and Domingo A. Usina of New York City were admitted to practice.

No. 467. Armour Packing Company, petitioner, *v.* The United States;

No. 468. Swift & Company, petitioner, *v.* The United States;

No. 469. Morris & Company, petitioner, *v.* The United States; and

No. 470. Cudahy Packing Company, petitioner, *v.* The United States. Argument concluded by Mr. Frank Hagerman for the petitioners.

No. —, Original. Nelson Thomasson, jr., et al., petitioners, *v.* The Chicago Railways Company et al. Argument commenced by Mr. Henry Crawford for the petitioners, continued by Mr. Henry S. McAuley for the petitioners, by Mr. George W. Wickersham, Mr. William W. Gurley, Mr. William Burry and Mr. A. H. Van Brunt for the respondents, and concluded by Mr. Henry S. McAuley for the petitioners.

No. 123. The First National Bank of Albuquerque, appellant, *v.* George F. Albright et al. Argued by Mr. Alonzo B. McMillen for the appellant, and submitted by Mr. Frank W. Clancy for the appellees.

No. 125. Edward Corcoran et al., appellants, *v.* Terence O'Brien, administrator, etc., et al. Submitted on the printed record on motion of Mr. A. B. Duvall in behalf of counsel for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 23, will be as follows: Nos. 128, 129, 130, 132, 68, 135, 137, 138, 139 and 140.

SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 23, 1908.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

Louis O. Fuller of Roswell, N. Mex., was admitted to practice.

The Chief Justice announced the following order of the court:

No. —, Original. Nelson Thomasson, jr., et al., petitioners, *v.* The Chicago Railways Company et al. Petition for appeal denied for the want of jurisdiction.

No. 128. General Oil Company, plaintiff in error, *v.* John H. Crain, inspector, etc. Argued by Mr. H. J. Livingston, jr., for the plaintiff in error, and submitted by Mr. Charles T. Cates, jr., for the defendant in error.

No. 129. United Dictionary Company, appellant, *v.* G. and C. Merriam Company. Argued by Mr. William B. Hale for the appellee, and submitted by Mr. James H. Peirce, Mr. George P. Fisher, jr., and Mr. William Henry Dennis for the appellant. Leave granted to appellant to file an additional brief.

No. 130. The Cosmopolitan Club, plaintiff in error, *v.* The Commonwealth of Virginia. Argued by Mr. R. Randolph Hicks for the plaintiff in error, and by Mr. William A. Anderson for the defendant in error.

No. 132. Antoine G. Starr, an infant, etc., plaintiff in error, *v.* Samuel W. Campbell. Argument commenced by Mr. W. M. Tomkins for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 24, will be as follows: Nos. 132, 68, 135, 137, 138, 139, 140, 143, 144 and 145.

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SUPREME COURT OF THE UNITED STATES.

FRIDAY, JANUARY 24, 1908.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

J. W. Dana of Kansas City, Kans., Thomas Ward, jr., of Denver, Colo., and Franklin E. Brooks of Colorado Springs, Colo., were admitted to practice.

No. 145. Joseph J. Slocum et al., trustees, appellants, *v.* The United States. Passed for settlement on motion of Mr. A. B. Browne for the appellants.

No. 132. Antoine G. Starr, an infant, etc., plaintiff in error, *v.* Samuel W. Campbell. Argument continued by Mr. W. M. Tomkins for the plaintiff in error, and concluded by Mr. Solicitor-General Hoyt for the defendant in error.

No. 68. William Notley et al., plaintiffs in error, *v.* Cecil Brown et al., etc. Argued by Mr. R. M. Morse for the plaintiffs in error, and by Mr. A. B. Browne and Mr. W. L. Stanley for the defendants in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, January 27, will be as follows: Nos. 338 (and 339), 488, 438, 503, 4 (and 5), 135, 136, 137, 138 and 139.

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SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 27, 1908.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

Macgrane Coxe of New York City, N. Y., George G. Covell of Traverse City, Mich., Arthur Crownover of Winchester, Tenn., Margaret Lora Cooper of Washington, D. C., Charles Loring of Crookston, Minn., Benjamin H. Schwartz of Philadelphia, Pa., Felix D. Lynch of Winchester, Tenn., Thomas B. Lytle of Murfreesboro, Tenn., Frank L. Lynch of Winchester, Tenn., James R. Jetton of Mulfreesboro, Tenn., Wayne Dumont of Paterson, N. J., Edward A. Alexander of New York City, Theodore J. Badgley of Montclair, N. J., Harold R. Small of St. Louis, Mo., and James R. Knapp of New York City, were admitted to practice.

No. 95. George R. Elder et al., plaintiffs in error, *v.* Tingley S. Wood, etc. In error to the supreme court of the State of Colorado. Judgment affirmed with costs. Opinion by Mr. Justice Moody. (Announced by Mr. Justice Holmes.)

No. 24. The United States *v.* A. Graf Distilling Company. On a certificates from the United States circuit court of appeals for the eighth circuit. Questions answered in the negative. Opinion by Mr. Justice Peckham.

No. 27. Penn Refining Company, Limited, plaintiff in error, *v.* Western New York & Pennsylvania Railroad Company et al. Judgment affirmed with costs and cause remanded to the circuit court of the United States for the western district of Pennsylvania. Opinion by Mr. Justice Peckham. Dissenting: Mr. Justice Moody and Mr. Justice Harlan.

No. 124. The County Court of Braxton County et al., plaintiffs in error, *v.* The State of West Virginia ex rel. C. W. Dillon, State tax commissioner, etc., et al. In error to the supreme court of appeals of the State of West Virginia. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Brewer.

No. 293. William Adair, plaintiff in error, *v.* The United States. In error to the district court of the United States for the eastern district of Kentucky. Judgment reversed and cause remanded with

directions to set aside the verdict and judgment of conviction, sustain the demurrer to the indictment and dismiss the case. Opinion by Mr. Justice Harlan. Dissenting: Mr. Justice McKenna and Mr. Justice Holmes. (Mr. Justice Moody did not participate in the decision of this case.)

The Chief Justice announced the following orders of the court:

No. 125. Edward Corcoran et al., appellants, *v.* Terence O'Brien, administrator, etc., et al. Appeal from the circuit court of the United States for the Western district of Washington. Decree affirmed with costs.

No. 359. North Shore Boom and Driving Company, plaintiff in error, *v.* Nicomen Boom Company. Motions to dismiss or affirm postponed to the hearing on the merits.

No. 552. The Chicago, Burlington & Quincy Railway Company, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit granted, the record presented with the application to stand as a return to the writ.

No. 557. The Chicago and Alton Railway Company, petitioner, *v.* The United States;

No. 558. John N. Faithorn, petitioner, *v.* The United States; and

No. 559. Fred A. Wann, petitioner, *v.* The United States. Petition for writs of certiorari to the United States circuit court of appeals for the seventh circuit granted, the record presented with the application to stand as a return to the writs.

No. 568. William T. Waggoner et al., petitioners, *v.* National Bank of Commerce of Kansas City, Mo. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

The Chief Justice also announced that the court will take a recess from Monday, February 3, to Monday, February 24, next.

No. —. Harry B. Mulford, plaintiff in error, *v.* The United States;

No. —. Harry B. Mulford, plaintiff in error, *v.* The United States; and

No. —. Harry B. Mulford, plaintiff in error, *v.* The United States. Motions to docket and dismiss submitted by Mr. Solicitor-General Hoyt for the defendant in error.

No. 569. Reuben Quickbear et al., appellants, *v.* Francis E. Leupp, Commissioner, etc., et al. Motion to advance submitted by Mr. Solicitor-General Hoyt for the appellees.

No. 502. The People of the State of New York *re* August Silz, plaintiff in error, *v.* Henry Hesterberg, sheriff, etc. Motion to advance submitted by Mr. J. B. Coleman for the plaintiff in error.

No. —, Original. *Ex parte*: In the matter of Albert N. Moore, etc., petitioner. Motion for leave to file petition for a writ of mandamus submitted by Mr. Shepard Barclay for the petitioner.

No. 586. City of St. Charles, petitioner, *v.* Charles A. Stookey. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. Shepard Barclay and Mr. Thomas T. Fauntleroy for the petitioner, with leave to counsel for the respondent to file brief within two weeks.

No. 493. Laurel Oil and Gas Company, appellant, *v.* Robert W. Morrison et al. Motion to advance submitted by Mr. Frank B. Crosthwaite for the appellees.

No. 588. Henry Clay Pierce, petitioner, *v.* Edmund P. Creecy, chief of police, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. James R. Knapp, Mr. Joseph H. Choate and Mr. Joseph H. Choate, jr., for the petitioner, with leave to counsel for respondent to file brief within three days.

No. 503. The United States, plaintiff in error, *v.* John Bitly. Submitted by Mr. Attorney-General Bonaparte and Mr. Assistant Attorney-General Cooley for the plaintiff in error, with leave to counsel for defendant in error to file brief within three days, and to counsel for plaintiff in error to reply thereto within two days thereafter.

No. 135. Franklin Bien, plaintiff in error, *v.* Beverly R. Robinson, receiver, etc. Submitted by Mr. Albert I. Sire for the plaintiff in error, and by Mr. Roger Foster and Mr. G. Thomas Dunlop for the defendant in error.

No. 139. Druman-Flato Commission Company, plaintiff in error, *v.* R. C. Edmisson. Submitted by Mr. James S. Botsford for the plaintiff in error, and by Mr. Elijah Robinson for the defendant in error.

No. 338. The United States, appellant, *v.* The Sisseton & Wahpeton Bands of Sioux Indians; and

No. 339. The Sisseton & Wahpeton Bands of Sioux Indians, appellants, *v.* The United States. Argument commenced by Mr. W. H. Robeson for the Indians, and continued by Mr. George M. Anderson for the United States, and by Mr. Marion Butler for the Indians.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, January 28, will be as follows: Nos. 338 (and 339), 488, 438, 4 (and 5), 136, 137, 138, 104, 140 and 143.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, JANUARY 28, 1908.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

J. Wilbur Albright of Nome, Alaska, Albert T. McNeal of Sewanee, Tenn., and Edmond H. Moon of Youngstown, Ohio, were admitted to practice.

No. 338. The United States, appellant, *v.* The Sisseton and Wahpeton Bands of Sioux Indians; and

No. 339. The Sisseton and Wahpeton Bands of Sioux Indians, appellants, *v.* The United States. Argument concluded by Mr. Marion Butler for the Indians.

No. 488. James R. Jetton, revenue agent, etc., et al., appellants, *v.* University of the South. Argument commenced by Mr. Charles T. Cates, jr., for the appellants, continued by Mr. James J. Lynch and Mr. Arthur Crownover for the appellee, and concluded by Mr. Felix D. Lynch for the appellants.

No. 438. Thomas Battle, plaintiff in error, *v.* The United States. Submitted by Mr. John Randolph Cooper for the plaintiff in error, and by Mr. Assistant Attorney-General Cooley for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, January 29, will be as follows: Nos. 4 (and 5), 136, 137, 138, 104, 140, 143, 144, 147 and 149.

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SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, JANUARY 29, 1908.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White. Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

Lewis M. Ogden of Milwaukee, Wis., was admitted to practice.

No. 147. Juan Garcia Bosque, plaintiff in error, *v.* The United States. Submitted by Mr. Edgar W. Camp for the plaintiff in error, and by Mr. Solicitor-General Hoyt for the defendant in error.

No. 149. Guy Le Roy Stevick, receiver, etc., plaintiff in error, *v.* The National Bank of North America in New York. In error to the circuit court of the United States for the district of Colorado. Dismissed with costs, pursuant to the tenth rule.

Nos. 4 and 5. United Land Association et al., plaintiffs in error, *v.* Louis Abrahams et al. Argument commenced by Mr. C. A. Keigwin for the plaintiffs in error, continued by Mr. W. B. Treadwell for the defendants in error, and concluded by Mr. C. A. Keigwin for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, January 30, will be as follows: Nos. 136, 137, 138, 104, 140, 143, 144, 150, 151 and 152.

13326—07—58

SUPREME COURT OF THE UNITED STATES.

THURSDAY, JANUARY 30, 1908.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

No. 136. Herring-Hall-Marvin Safe Company, petitioner, *v.* Hall's Safe Company et al. Argument commenced by Mr. Lawrence Maxwell, jr., for the petitioner, continued by Mr. William C. Cochran and Mr. Judson Harmon for the respondents, and concluded by Mr. Lawrence Maxwell, jr., for the petitioner.

No. 137. Ely Bernays, appellant, *v.* The United States. Argued by Mr. Sigmund Zeisler for the appellant, and submitted by Mr. Assistant Attorney-General Thompson and Mr. A. C. Campbell for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, January 31, will be as follows: Nos. 138, 104, 140, 143, 144, 150, 151, 152, 154 and 155.

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SUPREME COURT OF THE UNITED STATES.

FRIDAY, JANUARY 31, 1908.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

Robert M. Hitch, of Savannah, Ga., was admitted to practice.

No. 138. Mary B. Dun et al., executors and trustees, etc., appellants, *v.* The Lumbermen's Credit Association et al. Argument commenced by Mr. John O'Connor for the appellants, continued by Mr. Charles O. Loucks and Mr. Fred H. Atwood for the appellees, and concluded by Mr. Charles K. Offield for the appellants.

Adjourned until Monday next at 12 o'clock.

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SUPREME COURT OF THE UNITED STATES.

MONDAY, FEBRUARY 3, 1908.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

Frank L. Simpson of Lynn, Mass., Harvey S. Clapp of Duluth, Minn., Charles E. Benton of Fort Scott, Kans., Walter E. Retter of Williamsport, Pa., Chauncey W. Martyn of Chicago, Ill., Richard A. Ford of Washington, D. C., and John C. Kerr of New York City were admitted to practice.

No. 106. James W. Donnell, petitioner, *v.* Herring-Hall-Marvin Safe Company et al. On writ of certiorari to the United States circuit court of appeals for the seventh circuit. Decree reversed with costs and cause remanded to the circuit court of the United States for the northern district of Illinois for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Holmes.

No. 129. United Dictionary Company, appellant, *v.* C. & G. Merriam Company. Appeal from the United States circuit court of appeals for the seventh circuit. Decree affirmed with costs and cause remanded to the circuit court of the United States for the northern district of Illinois. Opinion by Mr. Justice Holmes.

No. 81. The Minneapolis, St. Paul and Sault Ste. Marie Railway Company, plaintiff in error, *v.* Thomas Doughty. In error to the supreme court of the State of North Dakota. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 101. The Missouri Valley Land Company et al., plaintiffs in error, *v.* Asmus Wiese. In error to the supreme court of the State of Nebraska. Judgment affirmed with costs. Opinion by Mr. Justice White.

No. 102. The Missouri Valley Land Company et al., plaintiffs in error, *v.* Carsten Wrich. In error to the supreme court of the State of Nebraska. Judgment affirmed with costs. Opinion by Mr. Justice White.

No. 389. Dietrich Loewe and another *v.* Martin Lawlor et al. On writ of certiorari to the United States circuit court of appeals for the second circuit. Judgment of the circuit court of the United

States for the district of Connecticut reversed with costs and cause remanded to that court with a direction to proceed in conformity with the opinion of this court. Opinion by Mr. Chief Justice Fuller.

The Chief Justice also announced the following orders of the court:

No. —, Original. *Ex parte*: In the matter of Albert N. Moore, petitioner. Motion for leave to file petition for a writ of mandamus granted and rule to show cause awarded, returnable on Monday, February 24.

No. 493. Laurel Oil and Gas Company, appellant, *v.* Robert W. Morrison et al. Motion to advance granted and cause assigned for argument on the first Tuesday of the next term (October 13), after the cases already set down for that day.

No. 502. The People of the State of New York *ex rel.* August Silz, plaintiff in error, *v.* Henry Hesterberg, sheriff, etc. Motion to advance granted and cause assigned for argument on the first Tuesday of the next term (October 13), after the cases already set down for that day.

No. 569. Reuben Quickbear et al., appellants, *v.* Francis E. Leupp, Commissioner, etc., et al. Motion to advance granted and cause assigned for argument on Monday, February 24, after the cases already set down for that day.

No. 588. Henry Clay Pierce, petitioner, *v.* Edmund P. Creecy, chief of police, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 40. The Wabash Railroad Company, plaintiff in error, *v.* The Adelbert College of the Western Reserve University et al. Leave granted to file briefs on motion to modify decree on or before February 24.

No. 599. The United States, appellant, *v.* The Chandler-Dunbar Water Power Company. Motion to advance submitted by Mr. Solicitor-General Hoyt for the appellant.

No. 597. Charles M. Smith, sr., et al., petitioners, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. A. S. Worthington and Mr. R. B. Oliver for the petitioners, and by Mr. Solicitor-General Hoyt and Mr. Assistant Attorney-General Russell for the respondent, with leave to counsel for the respondent to file additional brief within three days.

No. 578. Joseph Paolucci, petitioner, *v.* The United States. Petition for a writ of certiorari to the court of appeals of the District of Columbia submitted by Mr. Wilton J. Lambert for the petitioner, and by Mr. Solicitor-General Hoyt for the respondent.

No. 594. County of Hamilton, Illinois, petitioner, *v.* Montpelier Savings Bank & Trust Company. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. Myer Cohen in behalf of Mr. Samuel Alschuler

and Mr. Charles R. Holden for the petitioner, and by Mr. John F. Dillon, Mr. Harry Hubbard and Mr. Chester B. Masslich for the respondent.

No. 592. Max Alexander, petitioner, *v.* Mills B. Lane et al., executors, etc., et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. Garrard Glenn, Mr. William Garrard and Mr. P. W. Meldrim for the petitioner, and by Mr. Robert M. Hitch for the respondents.

No. 97. The Yazoo and Mississippi Valley Railroad Company, appellant, *v.* The Mayor and Aldermen of the City of Vicksburg. Assigned for argument on Monday, February 24, after the cases already assigned for that day, on motion of Mr. Hannis Taylor for the defendants in error.

No. 189. George A. Treadwell et al., appellants, *v.* George O. Marrs. Death of F. C. Beckwith, one of the appellants herein, suggested, and motion for a continuance submitted by Mr. Charles M. Demond for the appellants.

No. 589. Fisher Book Typewriter Company et al., petitioners, *v.* Frederic W. Hillard. Petition for a writ of certiorari to the United States circuit court of appeals of the second circuit submitted by Mr. W. A. Redding for the petitioners, and by Mr. John C. Kerr and Mr. Thomas B. Kerr for the respondent.

Adjourned until Monday, February 24, at 12 o'clock.

The day call for Monday, February 24, will be as follows: Nos. 271, 390, 533, 569, 97, 104, 140, 143, 144 and 150.

SUPREME COURT OF THE UNITED STATE

MONDAY, FEBRUARY 24, 1908.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

Ralph Crews of Chicago, Ill., Edward P. Hill of McAlester, Okla., Lewis Rhoton of Little Rock, Ark., H. V. Mercer of Minneapolis, Minn., Charles W. Lyon of Des Moines, Iowa, Luther M. Walter of Washington, D. C., John T. Mulvaney of Des Moines, Iowa, A. P. Pugo of Lake Charles, La., James H. Stevenson of Little Rock, Ark., William A. Elliott of New York City, W. K. Jennings of Pittsburg, Pa., Daniel B. Goodwin of Oil City, Pa., Ernest K. Little of Tunkhannock, Pa., L. J. Crawford of Newport, Ky., F. Guy Fulk of Little Rock, Ark., Jesse Bryan Root of Butte, Mont., John A. Goodrich of Los Angeles, Cal., Horace B. Durant of Miami, Okla. and Lucian H. Cocke of Roanoke, Va. were admitted to practice.

No. 485. Clarence H. Venner, appellant, *v.* Great Northern Railway Company et al. Appeal from the Circuit Court of the United States for the Southern District of New York. Decree affirmed with costs. Opinion by Mr. Justice Moody.

No. 6. W. H. Hairston, administrator, etc., plaintiff in error, *v.* The Danville and Western Railway Company. In error to the supreme court of appeals of the State of Virginia. Judgment affirmed with costs. Opinion by Mr. Justice Moody.

No. 138. Mary B. Dun et al., executors and trustees, etc., appellants, *v.* The Lumbermen's Credit Association et al. Appeal from the United States Circuit Court of Appeals for the Seventh Circuit. Decree affirmed with costs and cause remanded to the Circuit Court of the United States for the northern district of Illinois. Opinion by Mr. Justice Moody.

No. 63. *The Disconto Gesellschaft*, plaintiff in error, *v.* Augustus C. Umbreit. In error to the circuit court No. 1 of Milwaukee County, State of Wisconsin. Judgment affirmed with costs. Opinion by Mr. Justice Day.

No. 92. *Northern Pacific Railway Company*, plaintiff in error, *v.* The State of Minnesota *ex rel.* The City of Duluth. In error to the supreme court of the State of Minnesota. Judgment affirmed with costs. Opinion by Mr. Justice Day.

Nos. 110 and 111. *White-Smith Music Publishing Co.*, appellant, *v.* *Apollo Company*. Appeals from the United States circuit court of appeals for the second circuit. Writs of certiorari granted and decrees affirmed with costs and causes remanded to the circuit court of the United States for the southern district of New York. Opinion by Mr. Justice Day. Concurring opinion by Mr. Justice Holmes.

No. 51. *George C. Rankin*, receiver, etc., plaintiff in error, *v.* *The City National Bank of Kansas City, Mo.* In error to the United States circuit court of appeals for the eighth circuit. Judgment affirmed with costs and cause remanded to the circuit court of the United States for the western district of Missouri. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice White and Mr. Justice McKenna.

No. 123. *The First National Bank of Albuquerque*, appellants *v.* *George F. Albright et al.* Appeal from the supreme court of the Territory of New Mexico. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.

No. 136. *Herring-Hall-Marion Safe Company*, petitioner, *v.* *Hall's Safe Company et al.* On writ of certiorari to the United States circuit court of appeals for the sixth circuit. Decree modified and affirmed with costs and cause remanded to the circuit court of the United States for the southern district of Ohio. Opinion by Mr. Justice Holmes.

No. 338. *The United States*, appellant, *v.* *The Sisseton and Wahpeton Bands of Sioux Indians*, and

No. 339. *The Sisseton and Wahpeton Bands of Sioux Indians*, appellants, *v.* *The United States*. Appeals from the Court of Claims. Judgment modified and affirmed. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice McKenna.

No. 98. *A. W. Bennett*, plaintiff in error and appellant, *v.* *Sarah Grace Bennett*. In error to and appeal from the supreme court of

the Territory of Oklahoma. Judgment affirmed with costs and cause remanded to the supreme court of the State of Oklahoma. Opinion by Mr. Justice McKenna. Dissenting: Mr. Justice Brewer.

No. 103. H. C. Crary et al., plaintiffs in error, *v.* Benjamin H. Dye et al. In error to the supreme court of the Territory of New Mexico. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 132. Antonie G. Starr, an infant, etc., plaintiff in error, *v.* Samuel W. Campbell. In error to the circuit court of the United States for the western district of Wisconsin. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 139. Drunem-Flato Commission Company, plaintiff in error, *v.* R. C. Edmisson. In error to the supreme court of the Territory of Oklahoma. Judgment affirmed with costs and cause remanded to the supreme court of the State of Oklahoma. Opinion by Mr. Justice McKenna.

No. 113. Ferdinand Phillips, plaintiff in error, *v.* The City of Mobile. In error to the supreme court of the State of Alabama. Judgment affirmed with costs. Opinion by Mr. Justice Peckham.

No. 112. Edward E. Richards et al., appellants, *v.* The City of Mobile. Appeal from the circuit court of the United States for the southern district of Alabama. Decree affirmed with costs. Opinion by Mr. Justice Peckham.

No. 435. Charles Ughbanks, plaintiff in error, *v.* A. N. Armstrong, warden, etc. In error to the supreme court of the State of Michigan. Judgment affirmed with costs. Opinion by Mr. Justice Peckham. Dissenting: Mr. Justice Harlan.

No. 488. James R. Jetton, revenue agent, etc., et al., appellants, *v.* University of the South. Appeal from the circuit court of the United States for the middle district of Tennessee. Decree reversed with costs and cause remanded with directions to dismiss the bill. Opinion by Mr. Justice Peckham.

No. 135. Franklin Bien, plaintiff in error, *v.* Beverly R. Robinson, receiver, etc. In error to the circuit court of the United States for the southern district of New York. Dismissed for want of jurisdiction. Opinion by Mr. Justice White.

No. 80. Concepcion Calvo, appellant, *v.* Angeles O. de Gutierrez, et al. Appeal from the supreme court of the Philippine Islands. Judgment affirmed with costs. Opinion by Mr. Justice White.

No. 68. William Notley et al., plaintiffs in error, *v.* Cecil Brown et al., etc. In error to the supreme court of the Territory of Hawaii.

Dismissed for the want of jurisdiction. Opinion by Mr. Justice White.

No. 491. Great Northern Railway Company, petitioner, *v.* The United States. On writ of certiorari to the United States circuit court of appeals for the eighth circuit. Judgment affirmed and cause remanded to the district court of the United States for the district of Minnesota. Opinion by Mr. Justice White.

No. 78. R. M. Henningsen et al., appellants, *v.* United States Fidelity & Guaranty Co., of Baltimore, Md., et al. Appeal from the United States circuit court of appeals for the ninth circuit. Decree affirmed, with costs and cause remanded to the circuit court of the United States for the western district of Washington. Opinion by Mr. Justice Brewer.

No. 107. Curt Muller, plaintiff in error, *v.* The State of Oregon. In error to the supreme court of the State of Oregon. Judgment affirmed with costs. Opinion by Mr. Justice Brewer.

No. 426. Jacob Bassing, plaintiff in error, *v.* Philo V. Cady, sheriff, etc. In error to the superior court of the State of Rhode Island. Judgment affirmed with costs. Opinion by Mr. Justice Harlan.

No. 130. The Cosmopolitan Club, plaintiff in error, *v.* The Commonwealth of Virginia. In error to the supreme court of appeals of the State of Virginia. Judgment affirmed with costs. Opinion by Mr. Justice Harlan.

No. 503. The United States, plaintiff in error, *v.* John Bitty. In error to the circuit court of the United States for the southern district of New York. Judgment reversed and cause remanded, with directions to set aside the order dismissing the indictment and overrule the demurrer and for such further proceedings as will be consistent with the opinion of this court. Opinion by Mr. Justice Harlan.

No. 62. George Dick, plaintiff in error, *v.* The United States. In error to the district court of the United States for the district of Idaho. Judgment affirmed. Opinion by Mr. Justice Harlan.

No. 109. The Atlantic Trust Company, petitioner, *v.* Edgar C. Chapman, receiver, etc. On writ of certiorari to the United States circuit court of appeals for the Ninth circuit. Judgment reversed with costs and cause remanded to the circuit court of the United States for the northern district of California for such proceedings as will be consistent with the opinion of this court and be in conformity with law. Opinion by Mr. Justice Harlan.

No. 114. Alberto Armstrong, liquidator, etc., appellant, *v.* Eduardo Fernandez et al. Appeal from the district court of the United States for Porto Rico. Decree affirmed with costs. Opinion by Mr. Chief Justice Fuller.

No. 79. R. Allyn Lewis et al, appellants, *v.* Fred Herrera, receiver, etc. Appeal from the supreme court of the Territory of Arizona. Decree affirmed with costs. Opinion by Mr. Chief Justice Fuller.

No. 84. The Cleveland Terminal and Valley R. R. Co. et al, appellants, *v.* The Cleveland Steamship Co. Appeal from the district court of the United States for the northern district of Ohio. Decree affirmed with costs. Opinion by Mr. Chief Justice Fuller.

No. 232. Duluth and Superior Bridge Company, appellant, *v.* Steamer "Troy," etc. Appeal from the district court of the United States for the western district of Wisconsin. Decree affirmed with costs. Opinion by Mr. Chief Justice Fuller.

No. 356. The United States, plaintiff in error, *v.* Adrian H. Larkin, intervenor, etc. In error to the district court of the United States for the northern district of Ohio. Dismissed for the want of jurisdiction. Opinion by Mr. Chief Justice Fuller.

The Chief Justice also announced the following orders of the court:

No. 578. Joseph Paolucci, petitioner, *v.* The United States. Petition for a writ of certiorari to the court of appeals of the District of Columbia denied.

No. 586. City of St. Charles, petitioner, *v.* Charles A. Stookey. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 589. Fisher Book Typewriter Company, et al., petitioner, *v.* Frederic W. Hillard. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 592. Max Alexander, petitioner, *v.* Mills B. Lane et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 594. County of Hamilton, Ill., petitioner, *v.* Montpelier Savings Bank and Trust Company. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 597. Charles M. Smith, sr., et al., petitioners, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 189. George A. Treadwell et al., appellants, *v.* George O. Marrs. Motion for continuance granted.

No. 599. The United States, appellant, *v.* The Chandler-Dunbar Water Power Company. Motion to advance granted and cause assigned for argument on Monday, April 6, next.

Nos. 5 and 4. United Land Association et al., plaintiffs in error, *v.* Lewis Abrahams et al. In error to the supreme court of the State of California. *Per curiam*, judgments affirmed with costs. Knight *v.* United Land Association, 142 U. S., 161; San Francisco City and County *v.* Le Roy, 138 U. S., 656; case below, 139 Cal., 370.

No. 137. Ely Bernays, appellant, *v.* The United States. Appeal from the Court of Claims. *Per curiam*, judgment affirmed. Chesebrough *v.* United States, 192 U. S., 253; United States *v.* New York and Cuba Mail Steamship Company, 200 U. S., 488.

No. 572. James R. Garfield, Secretary, etc., plaintiff in error, *v.* U. S. ex rel. John E. Goldsby;

No. 573. James R. Garfield, Secretary, etc., plaintiff in error, *v.* U. S. ex rel. Ida Allison and

No. 574. James R. Garfield, Secretary, etc., plaintiff in error, *v.* U. S. ex rel. George A. Allison. Motion to advance submitted by Mr. Solicitor-General Hoyt for the plaintiff in error.

No. 606. Robert R. Prentis et al., appellants, *v.* Atlantic Coast Line Railroad Company;

No. 607. Robert R. Prentis et al., appellants, *v.* The Chesapeake & Ohio Railway Company;

No. 610. Robert R. Prentis et al., appellants, *v.* Norfolk & Western Railway Company; and

No. 611. Robert R. Prentis et al., appellants, *v.* Southern Railway Company. Motion to advance submitted by Mr. A. P. Thom for the appellees.

No. 522. John F. Haffner, appellant, *v.* Michael Dobrinski et al. Motion to dismiss submitted by Mr. Norris Brown in behalf of Mr. C. C. Flansburg in support of the motion.

No. 535. Bradley W. Palmer et al., petitioners, *v.* The State of Texas et al. Motion to advance submitted by Mr. A. S. Burleson in behalf of counsel for the respondents.

No. 632. Emilie Saxlehner, petitioner, *v.* Edward Wagner et al. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. Fritz von Briesen, Mr.

Arthur von Briesen, Mr. Antonio Knauth and Mr. Frank F. Reed for the petitioner and by Mr. Walter F. Murray for the respondents.

No. 637. George C. Locklin et al., petitioners, *v.* George H. Buck. Petition for writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Samuel F. Fisher, Mr. Ernest Wilkinson and Mr. Otto Raymond Barnett for the petitioners and by Mr. William P. Martin for the respondent.

No. 601. W. D. Munson, petitioner, *v.* Standard Marine Insurance Company, Limited. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit submitted by Mr. Charles E. Littlefield in behalf of Mr. Eugene P. Carver and Mr. G. Philip Wardner for the petitioner and by Mr. James Emerson Carpenter, Mr. Samuel Park, and Mr. James K. Symmers for the respondent.

No. 204. Charles Scribner et al., etc., appellants, *v.* Isidor Straus et al., etc., and

No. 205. Charles Scribner's Sons, Incorporated, appellant, *v.* Isidor Straus et al., etc. Motion to advance to be heard immediately after No. 176 submitted by Mr. Stephen H. Olin for the appellant.

No. 560. Northwestern Elevated Railroad Company, plaintiff in error, *v.* Peabody Coal Company et al. Motions to dismiss or affirm submitted by Mr. Louis A. Pradt in behalf of Mr. Horace Kent Tenney in support of motions and by Mr. Clarence A. Knight in opposition thereto.

Nos. 307 and 308. Leeds and Catlin Company, petitioner, *v.* Victor Talking Machine Company. Motion for additional security submitted by Mr. Horace Pettit for the respondent in support of motion and by Mr. Louis Hicks for the petitioner in opposition thereto.

No. 590. Wallace P. Cook et al., petitioners, *v.* Timothy Foley et al. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. George P. Wilson for the petitioner with leave to counsel for respondent to file brief.

No. 634. The Colorado and Northwestern R. R. Co., petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. John L. Thomas and Mr. E. E. Whitted for the petitioner.

No. 598. Mrs. Annie E. Penman, petitioner, *v.* St. Paul Fire and Marine Insurance Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. J. S. Flannery, Mr. F. D. McKenney, and Mr. A.

J. Truitt for the petitioner, and by Mr. W. K. Jennings for the respondent.

No. 604. Victor Buset et al., appellants, *v.* Maria Rios de Rubio. Advanced to be heard with Nos. 141 and 142, on motion of Mr. George H. Lamar for the appellants.

No. 600. J. H. Friday et al., petitioners, *v.* Hall & Kane Company. Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit submitted by Mr. Richard A. Ford for the petitioner.

No. 612. Franklin H. Seeley, petitioner, *v.* Blanche Lowe Seeley. Petition for a writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. H. Prescott Gatley and Mr. Barry Mohun for the petitioners.

No. 445. The United States Life Insurance Company in the City of New York, plaintiff in error, *v.* Harry Spinks. Motion to dismiss submitted by Mr. L. J. Crawford and Mr. J. H. Hazelrigg in support of same.

No. 271. Hammond Packing Company, plaintiff in error, *v.* The State of Arkansas. Argument commenced by Mr. W. E. Hemingway for the plaintiff in error and continued by Mr. Lewis Rhoton for the defendant in error.

Adjourned until to-morrow at 12 o'clock. The day call for Tuesday, February 25, will be as follows: Nos. 271, 390, 533, 569, 141 (and 142 and 604), 97, 104, 140, 143, and 144.



SUPREME COURT OF THE UNITED STATES.

TUESDAY, FEBRUARY 25, 1908.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

John C. Nicholson of Newton, Kans., Carr W. Taylor of Hutchinson, Kans., Nathan William MacChesney of Chicago, Ill., David Rumsey of New York City, William V. Hodges of Denver, Colo., Alfred H. Mitchell of St. Clairsville, Ohio, and Cook Danford of Bellaire, Ohio, were admitted to practice.

No. 271. Hammond Packing Company, plaintiff in error, *v.* The State of Arkansas. Argument continued by Mr. Lewis Rhoton and Mr. J. H. Stevenson for the defendant in error and concluded by Mr. John G. Johnson for the plaintiff in error.

No. 390. The United States, plaintiff in error, *v.* Edward S. Thayer. Argument commenced by Mr. Assistant Attorney-General Cooley for the plaintiff in error, continued by Mr. J. M. McCormick for the defendant in error, and concluded by Mr. Attorney-General Bonaparte for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, February 26, will be as follows: Nos. 533, 569, 141 (and 142 and 604), 97, 104, 140, 143, 144, 48 and 150.

O

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, FEBRUARY 26, 1908.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

Elmer Pearl Spofford of Deer Isle, Me., Isaac N. Watson of Kansas City, Mo., and Clarence Le Roy Parker of Washington, D. C., were admitted to practice.

No. 533. Charles Thomas, plaintiff in error, *v.* The State of Iowa. Argument commenced by Mr. C. C. Cole for the plaintiff in error, continued by Mr. Charles W. Lyon for the defendant in error, and concluded by Mr. John T. Mulvaney for the plaintiff in error.

No. 569. Reuben Quickbear et al., appellants, *v.* Francis E. Leupp, Commissioner, etc., et al. Argument commenced by Mr. Charles C. Binney for the appellants, and continued by Mr. Edgar H. Gans for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, February 27, will be as follows: Nos. 569, 141 (and 142 and 604), 97, 104, 140, 143, 144, 48, 150 and 151.

O

SUPREME COURT OF THE UNITED STATES.

THURSDAY, FEBRUARY 27, 1908.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

Andrew Price, of Marlinton, W. Va., was admitted to practice.

No. 569. Reuben Quickbear et al., appellants, *v.* Francis E. Leupp, Commissioner, etc., et al. Argument continued by Mr. Solicitor-General Hoyt for the appellees, and concluded by Mr. Hampton L. Carson for the appellants. Leave granted both sides to file additional briefs on or before March 2.

No. 141. Juan R. Garzot et al., appellants, *v.* Maria Rios de Rubio;

No. 142. Victor Buset et al., appellants, *v.* Maria Rios de Rubio; and

No. 604. Victor Buset et al., appellants, *v.* Maria Rios de Rubio. Argument commenced by Mr. N. B. K. Pettingill for appellants, and continued by Mr. Frederic D. McKenney and Mr. Francis H. Dexter for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, February 28, will be as follows: Nos. 141 (and 142 and 604), 97, 104, 140, 143, 144, 48, 150, 151 and 152.

O

SUPREME COURT OF THE UNITED STATES.

FRIDAY, FEBRUARY 28, 1908.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

Mortimer W. Byers of Brooklyn, N. Y., and Henry C. Schaertzer of San Francisco, Cal., were admitted to practice.

No. 141. Juan R. Garzot et al., appellants, *v.* Maria Rios de Rubio;

No. 142. Victor Burset et al., appellants, *v.* Maria Rios de Rubio;
and

No. 604. Victor Burset et al., appellants, *v.* Maria Rios de Rubio. Argument continued by Mr. Francis H. Dexter for the appellee, and concluded by Mr. George H. Lamar for the appellants. Leave granted to counsel for appellants to file an additional brief on or before March 2.

No. 97. The Yazoo and Mississippi Valley Railroad Company, appellant, *v.* The Mayor and Aldermen of the City of Vicksburg. Argued by Mr. Edward Mayes for the appellant, and by Mr. Hannis Taylor for the appellees.

No. 104. Dona Maria Francisca O'Reilly de Camara, Countess of Buena Vista, plaintiff in error, *v.* John R. Brooke, major-general, U. S. Army. Argument commenced by Mr. Frederic R. Coudert for the plaintiff in error, and continued by Mr. Assistant Attorney-General Russell for the defendant in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, March 2, will be as follows: Nos. 104, 140, 143, 144, 48, 150, 151, 152, 154 and 155.

O

SUPREME COURT OF THE UNITED STATES.

MONDAY, MARCH 2, 1908.

Present: The Chief Justice. Mr. Justice Harlan, Mr. Justice Brewer. Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

Francis I. McCanna of Providence, R. I., Norman E. Peterson of Albert Lea, Minn., Altes H. Campbell of Iola, Kans., and Ellis Cocke of Nashville, Tenn., were admitted to practice.

No. 438. Thomas Battle, plaintiff in error, *v.* The United States. In error to the circuit court of the United States for the southern district of Georgia. Judgment affirmed. Opinion by Mr. Justice Holmes.

The Chief Justice announced the following orders of the court:

No. 204. Charles Scribner et al., etc., appellants, *v.* Isidor Straus et al., etc.; and

No. 205. Charles Scribner's Sons (Incorporated), appellant, *v.* Isidor Straus et al., etc. Motion to advance denied.

Nos. 307 and 308. Leeds and Catlin Company, petitioner, *v.* Victor Talking Machine Company et al. Motion for additional security denied.

No. 445. The United States Life Insurance Company in the City of New York, plaintiff in error, *v.* Harry Spinks. In error to the court of appeals of the State of Kentucky. Dismissed for the want of jurisdiction.

No. 522. John F. Haffner, appellant, *v.* Michael Dobrinski et al. Consideration of the motion to dismiss postponed until the record is printed, or so much thereof as to enable the court to pass on the motion without referring to the transcript.

No. 535. Bradley W. Palmer et al., petitioners, *v.* The State of Texas et al. Motion to advance granted and cause assigned for argument on Monday, April 6, after the case already set down for that day.

No. 560. Northwestern Elevated Railroad Company, plaintiff in error. *v.* Peabody Coal Company et al. In error to the supreme court of the State of Illinois. Dismissed for the want of jurisdiction.

No. 572. James R. Garfield, Secretary, etc., plaintiff in error, *v.* United States ex rel. John E. Goldsby;

No. 573. James R. Garfield, Secretary, etc., plaintiff in error, *v.* United States ex rel. Ida Allison; and

No. 574. James R. Garfield, Secretary, etc., plaintiff in error, *v.* United States ex rel. George A. Allison. Motion to advance granted and cases assigned for argument as one case on the first Tuesday of the next term (October 13), after the cases already set down for that day.

No. 606. Robert R. Prentis et al., etc., et al., appellants, *v.* Atlantic Coast Line Railroad Company;

No. 607. Robert R. Prentis et al., etc., et al., appellants, *v.* The Chesapeake & Ohio Railway Company;

No. 610. Robert R. Prentis et al., etc., et al., appellants, *v.* Norfolk & Western Railway Company; and

No. 611. Robert R. Prentis et al., etc., et al., appellants, *v.* Southern Railway Company. Motions to advance granted and cases assigned for argument as one case on the first Tuesday of the next term (October 13), after the cases already set down for that day.

No. 571. Charles C. May, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 590. Wallace P. Cook et al., petitioners, *v.* Timothy Foley et al. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 598. Mrs. Annie E. Penman, petitioner, *v.* St. Paul Fire and Marine Insurance Company. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit granted.

No. 600. J. H. Friday et al., petitioners, *v.* Hall & Kaul Company. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit granted.

No. 601. W. D. Munson, petitioner, *v.* Standard Marine Insurance Company (Limited). Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit denied.

No. 612. Franklin H. Seeley, petitioner, *v.* Blanche Lowe Seeley. Petition for a writ of certiorari to the court of appeals of the District of Columbia denied.

No. 632. Emilie Saxlehner, petitioner, *v.* Edward Wagner et al. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 634. The Colorado and Northwestern Railroad Company, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 637. George C. Locklin et al., petitioners, *v.* George H. Buck. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 557. The Chicago & Alton Railway Company, petitioner, *v.* The United States;

No. 558. John N. Faithorn, petitioner, *v.* The United States; and

No. 559. Fred A. Wann, petitioner. *v.* The United States. Motion to advance submitted by Mr. Solicitor-General Hoyt for the respondent.

No. 625. The United States, plaintiff in error, *v.* F. W. Keitel et al.;

No. 626. The United States, plaintiff in error, *v.* Robert Forrestes et al.;

No. 630. The United States, plaintiff in error, *v.* Charles E. Herr et al.; and

No. 631. The United States, plaintiff in error, *v.* Charles E. Herr. Motion to advance submitted by Mr. Solicitor-General Hoyt for the plaintiff in error.

No. 627. The United States, plaintiff in error, *v.* Charles E. Freeman et al.;

No. 628. The United States, plaintiff in error, *v.* Edgar M. Biggs et al.; and

No. 629. The United States, plaintiff in error, *v.* Alexander T. Sullenberger et al. Motion to advance submitted by Mr. Solicitor-General Hoyt for the plaintiff in error.

No. 519. Harper M. Orahood, petitioner, *v.* Arthur M. Eppstein, trustee. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. Walter E. Coleman in behalf of Mr. Harvey Riddell for the petitioner, and by Mr. Simon Wolf and Mr. Myer Cohen for the respondent.

No. 645. Henson Collier, petitioner, *v.* Missouri, Kansas and Texas Railway Company. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. W. B. C. Brown in behalf of Mr. William Warner for the petitioner.

No. 613. The Central Coal and Coke Company, petitioner. *v.* Doc W. Sutton. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. Holmes Conrad for the petitioner, and by Mr. N. W. Finley for the respondent.

No. 313. Gustave A. Jahn et al., *v.* The Steamship Folmina, etc. Motion for a writ of certiorari to bring up the entire record and cause submitted by Mr. Frederic D. McKenney in behalf of Mr. J. Parker Kirlin and Mr. John M. Woolsey for the Folmina. and by Mr. Frederick M. Brown in opposition.

No. 646. Rickey Land and Cattle Company, petitioner, *v.* Miller and Lux. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. Frederic D. McKenney for the petitioner.

No. 636. Scruggs. Vandervoort & Barney Dry Goods Company, petitioner, *v.* The United States. Petition for a writ of certiorari to

the United States circuit court of appeals for the eighth circuit submitted by Mr. Everit Brown for the petitioner, with leave to counsel for the respondent to file brief on or before Friday next.

No. 457. The Railroad Commission of Louisiana, appellant, *v.* Cumberland Telephone & Telegraph Company. Motion to advance submitted by Mr. E. Howard McCaleb, jr., for the appellant.

No. 186. Adolfo Sixto, plaintiff in error, *v.* Laureano Sarria. In error to the district court of the United States for Porto Rico. Dismissed with costs on motion of counsel for plaintiff in error.

No. 104. Dona Maria Francisca O'Reilly de Camera, Countess of Buena Vista, plaintiff in error, *v.* John R. Brooke, major-general, U. S. Army. Argument continued by Mr. Assistant Attorney-General Russell for the defendant in error, and concluded by Mr. Frederic R. Coudert for the plaintiff in error.

No. 140. The Shawnee Compress Company et al., appellants, *v.* Neil P. Anderson et al. Argument commenced by Mr. B. B. Blake-ney for the appellants, and continued by Mr. Andrew Wilson for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, March 3, will be as follows: Nos. 140, 143, 144, 48, 150, 151, 152, 154, 155 and 156.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, MARCH 3, 1908.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

Wilson I. Snyder of Salt Lake City, Utah, was admitted to practice.

No. 140. The Shawnee Compress Company et al., appellants, *v.* Neil P. Anderson et al. Argument continued by Mr. Andrew Wilson and Mr. James R. Keaton for the appellees, and concluded by Mr. B. B. Blakeney for the appellants.

No. 143. The Municipality of Ponce, appellant, *v.* The Roman Catholic Apostolic Church in Porto Rico. Argued by Mr. Frederic R. Coudert and Mr. Howard Thayer Kingsbury for the appellee, and submitted by Mr. F. L. Cornwell for the appellant.

No. 144. Jesse Hoyt Smith, appellant, *v.* William J. Rainey et al. Argument commenced by Mr. Lewis M. Ogden for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, March 4, will be as follows: Nos. 144, 48, 150, 151, 152, 154, 155, 156, 157 and 160.

O

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, MARCH 4, 1908.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

Herbert A. Heyn of New York City, A. C. Ricketts of Lincoln, Nebr., Allen W. Field of Lincoln, Nebr., and Chester M. Pratt of Boston, Mass., were admitted to practice.

No. 338. The United States, appellant, *v.* The Sisseton and Wahpeton Bands of Sioux Indians; and

No. 339. The Sisseton and Wahpeton Bands of Sioux Indians, appellants, *v.* The United States. Mandate granted on motion of Mr. Marion Butler for the Indians.

No. 144. Jesse Hoyt Smith, appellant, *v.* William J. Rainey et al. Argument concluded by Mr. Lewis M. Ogden for the appellant, and cause submitted by Mr. Walter Bennett for the appellees.

No. 150. J. B. Beadles, plaintiff in error and appellant, *v.* A. E. Smyser, mayor, etc., et al. Argued by Mr. A. G. C. Bierer for the plaintiff in error and appellant. No appearance for the defendants in error and appellees.

No. 48. Napoleon B. Dotson, plaintiff in error, *v.* William A. Milliken. Argument commenced by Mr. R. Burnham Moffat for the plaintiff in error, and continued by Mr. J. J. Darlington for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, March 5, will be as follows: Nos. 48, 151, 152, 154, 155, 156, 157, 160, 162 and 163.

O

SUPREME COURT OF THE UNITED STATES.

THURSDAY, MARCH 5, 1908.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

Clarence S. Hannum of San Francisco, Cal., John S. Mosby, jr., of Washington, D. C., and Frederick W. Sanborn of Denver, Colo., were admitted to practice.

No. 653. Rickey Land and Cattle Company, petitioner, *v.* Henry Wood et al. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. Frederic D. McKenney for the petitioner.

No. 48. Napoleon B. Dotson, plaintiff in error, *v.* William A. Milliken. Argument concluded by Mr. A. S. Worthington for the plaintiff in error.

No. 151. John Boyd, plaintiff in error, *v.* The State of Texas. Submitted by Mr. H. M. Garwood for the plaintiff in error, and by Mr. R. V. Davidson for the defendant in error.

No. 152. The United States, appellant, *v.* Cerecedo Hermanos y Compania. Submitted by Mr. Assistant Attorney-General Sanford for the appellant. No appearance for appellee.

No. 154. The United States Fidelity and Guaranty Company, plaintiff in error, *v.* The United States for use and benefit of Struther-Wells Co. Argued by Mr. Leonidas Dennis for the plaintiff in error, and by Mr. Herbert A. Heyn for the defendant in error.

No. 155. McCabe & Steen Construction Company, plaintiff in error, *v.* William N. Wilson. Argument commenced by Mr. Arthur G. Moseley for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, March 6, will be as follows: Nos. 155, 156, 157, 160, 162, 163, 164, 165, 166 and 167.

O

SUPREME COURT OF THE UNITED STATES.

FRIDAY, MARCH 6, 1908.

Present: The Chief Justice, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

John H. Rothermel of Reading, Pa., and Arthur Sherman Phillips of Fall River, Mass., were admitted to practice.

No. 166. B. F. Asbell, plaintiff in error, *v.* The State of Kansas. Submitted by Mr. Nelson Case for the plaintiff in error, and by Mr. E. L. Burton for the defendant in error.

No. 167. In re James B. Wood et al., petitioners. Submitted by Mr. W. Scott Bicksler and Mr. E. G. Bennett for petitioners, and by Mr. Harvey Riddell for the respondent.

No. 155. McCabe and Steen Construction Company, plaintiff in error, *v.* William N. Wilson. Argument continued by Mr. Arthur G. Moseley for the plaintiff in error, by Mr. James R. Keaton for the defendant in error, and concluded by Mr. Arthur G. Moseley for the plaintiff in error.

No. 156. J. G. Bogard et al., appellants, *v.* F. H. Sweet et al. Submitted by Mr. John W. Shartel, Mr. James R. Keaton and Mr. Frank Wells for the appellants, and by Mr. Charles M. Thacker for the appellees, with leave to counsel for the appellants to file an additional brief on or before the 21st instant.

No. 157. Wolfe Londoner et al., plaintiffs in error, *v.* The City & County of Denver et al. Argument commenced by Mr. Joshua F. Grozier for the plaintiffs in error, and continued by Mr. F. W. Sanborn and Mr. H. L. Ritter for the defendants in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, March 9, will be as follows: Nos. 157, 160, 162, 163, 164, 165, 169, 170, 171 and 172.

O

SUPREME COURT OF THE UNITED STATES.

MONDAY, MARCH 9, 1908.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

William J. Stone of Jefferson City, Mo., John H. Marble of San Francisco, Cal., Henry F. Ashhurst of Flagstaff, Ariz., and George Berdine of New Brunswick, N. J., were admitted to practice.

No. 40. The Wabash Railroad Company, plaintiff in error, *v.* The Adelbert College of the Western Reserve University et al. Petition for rehearing and motion to modify judgment denied. Opinion by Mr. Justice Moody.

No. 390. The United States, plaintiff in error, *v.* Edward S. Thayer. In error to the district court of the United States for the northern district of Texas. Judgment reversed and cause remanded, with directions to overrule the demurrers and proceed in conformity with law. Opinion by Mr. Justice Holmes.

The Chief Justice announced the following orders of the court:

No. 313. Gustave A. Jahn et al. *v.* Steamship Folmina, etc. Petition for a writ of certiorari to bring up the entire record and cause denied.

No. 457. The Railroad Commission of Louisiana, appellant, *v.* Cumberland Telephone & Telegraph Company. Motion to advance granted and cause assigned for argument on the first Tuesday of the next term (October 13) after the cases already set down for that day.

No. 646. Rickey Land & Cattle Company, petitioner, *v.* Miller and Lux; and

No. 653. Rickey Land & Cattle Company, petitioner. *v.* Henry Wood et al. Petitions for writs of certiorari to the United States circuit court of appeals for the ninth circuit granted.

No. 519. Harper M. Orahood, petitioner, *v.* Arthur M. Eppstein, trustee. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 613. The Central Coal & Coke Company, petitioner, *v.* Doc W. Sutton. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 645. Henson Collier, petitioner, *v.* Missouri, Kansas & Texas Railway Company. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 557. The Chicago & Alton Railway Company, petitioner, *v.* The United States;

No. 558. John N. Faithorn, petitioner, *v.* The United States; and

No. 559. Fred A. Wann, petitioner, *v.* The United States. Motion to advance granted and cases assigned for argument as one case on the first Tuesday of the next term (October 13) after the cases already set down for that day.

No. 625. The United States, plaintiff in error, *v.* F. W. Keitel et al.;

No. 626. The United States, plaintiff in error, *v.* Robert Forrester et al.;

No. 630. The United States, plaintiff in error, *v.* Charles E. Herr et al.; and

No. 631. The United States, plaintiff in error, *v.* Charles E. Herr. Motion to advance granted and cases assigned for argument on the first Tuesday of the next term (October 13) after the cases already set down for that day, to be heard as one case, with leave to counsel to apply for a modification of this order when the cases are reached.

No. 627. The United States, plaintiff in error, *v.* Charles H. Freeman et al.;

No. 628. The United States, plaintiff in error, *v.* Edgar M. Biggs et al.; and

No. 629. The United States, plaintiff in error, *v.* A. T. Sullenberger et al. Motion to advance granted and cases assigned for argument on the first Tuesday of the next term (October 13) after the cases already set down for that day, to be heard as one case, with leave to counsel to apply for a modification of this order when the cases are reached.

No. 105. Marcellus Thomas, plaintiff in error, *v.* The State of Texas: Restored to the call and assigned for argument on Monday, April 6, after the cases already set down for that day.

No. 151. John Boyd, plaintiff in error, *v.* The State of Texas. In error to the court of criminal appeals of the State of Texas. Per curiam: Writ of error dismissed for the want of jurisdiction. *Leeper v. Texas*, 139 U. S., 462; *Duncan v. Missouri*, 152 U. S., 377, 382; *Gibson v. Mississippi*, 162 U. S., 565, 590; *Allen v. Georgia*, 166 U. S., 138; *Brown v. New Jersey*, 175 U. S., 172; *Layton v. Missouri*, 187 U. S., 356; *Rogers v. Peck*, 199 U. S., 425; case below, 96 S. W., 1079.

No. 185. The Bowers Hydraulic Dredging Company, appellant, *v.* The United States. Passed to be restored to the call under the provisions of section 9, rule 26, on motion of Mr. Solicitor-General Hoyt for the appellee.

No. 619. George L. Stearns, appellant, *v.* Leo V. Youngworth, United States marshal, etc. Appeal from the circuit court of the United States for the southern district of California. Final order reversed with costs and cause remanded with directions to discharge

the petitioner, without prejudice to a renewal of the application to remove, and mandate granted, on confession of error and motion of Mr. Solicitor-General Hoyt for the appellee.

No. 431. The People of the State of New York *ex rel.* Abraham Kopel, plaintiff in error, *v.* Theodore A. Bingham, police commissioner, etc. Motion to advance submitted by Mr. Solicitor-General Hoyt in behalf of counsel for defendant in error. Suggestion as to time of hearing submitted by Mr. A. R. Page for the plaintiff in error.

No. 63. The Disconto Gesellschaft, plaintiff in error, *v.* Augustus C. Umbreit. Mandate granted per stipulation on motion of Mr. A. B. Browne in behalf of counsel.

No. 145. Joseph J. Slocum et al., trustee, et., appellants, *v.* The United States. Appeal from the United States circuit court of appeals for the eighth circuit. Dismissed on motion of Mr. A. B. Browne for the appellants.

No. 411. Miguel Topiño et al., plaintiffs in error, *v.* La Compania Generale Tobacos de Filipinas. Motion to dismiss submitted by Mr. A. B. Browne and Mr. Alexander Britton for the defendant in error in support of the motion, and by Mr. John C. Gettings and Mr. William Steele Grey for the plaintiffs in error in opposition thereto.

No. 237. Arsene L. Arpin, appellant, *v.* Porto Rico Power and Light Company. Continued per stipulation on motion of Mr. John G. Carlisle in behalf of counsel.

No. 186. Adolfo Sixto, plaintiff in error, *v.* Laureano Sarria. Mandate granted on motion of Mr. Frederic D. McKenney for the defendant in error.

No. —, Original. *Ex parte*: In the matter of Michael Crarchilo, petitioner. Motion for leave to file petition for a writ of mandamus submitted by Mr. James K. Jones and Mr. William J. Stone for the petitioner.

No. —, Original. *Ex parte*: In the matter of Michael Crarchilo, petitioner. Motion for leave to file petition for a writ of prohibition submitted by Mr. James K. Jones and Mr. William J. Stone for the petitioner.

No. 170. James Farrel, plaintiff in error, *v.* James M. Lockhart, administrator, etc., submitted by Mr. Charles C. Dey for the plaintiff in error, and by Mr. Wilson I. Snyder for the defendant in error.

No. 171. The Savings Deposit Bank and Trust Company of Elyria, Ohio, appellant, *v.* Nathan Loeser, trustee, etc. Passed, to be restored to the call under the provisions of section 9, rule 26, on account of sickness of counsel.

No. 172. John C. Wands et al., *v.* Wabash Railroad Company et al. On a certificate from the United States circuit court of appeals for the eighth circuit. Request of the United States circuit court of appeals for the eighth circuit for leave to withdraw certificate herein granted.

No. 554. The Roderick Lean Manufacturing Company, plaintiff in error, *v.* Reinhart Kuelling. Motions to dismiss or affirm submitted by Mr. Eugene Van Voorhis for the defendant in error in support of motions, and by Mr. Sardius D. Bentley for the plaintiff in error in opposition thereto.

No. 17, Original. *Ex parte*: In the matter of Albert N. Moore, etc., petitioner. Argued by Mr. Harold R. Small for the respondent, and submitted by Mr. Shepard Barclay and Mr. Thomas T. Fauntleroy for the petitioner.

No. 157. Wolfe Londoner et al., plaintiff in error, *v.* The City and County of Denver et al. Argument continued by Mr. H. L. Retter for the defendants in error, and concluded by Mr. Joshua F. Grozier for the plaintiffs in error.

No. 160. J. B. Thompson, plaintiff in error, *v.* Commonwealth of Kentucky, by T. C. Albretton, revenue agent. Argument commenced by Mr. J. B. Thompson for the plaintiff in error, continued by Mr. John W. Ray for the defendant in error, and concluded by Mr. J. B. Thompson for the plaintiff in error.

No. 162. National Life Insurance Company of the U. S. A., appellant, *v.* National Life Insurance Company et al. Argument commenced by Mr. L. A. Stebbins for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, March 10, will be as follows: Nos. 162, 163, 164, 165, 169, 173 (and 174), 175, 176, 177 and 178 (and 179).

SUPREME COURT OF THE UNITED STATES.

TUESDAY, MARCH 10, 1908.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

Benjamin Franklin of New York City, James E. Rhodes, 2d, of Hartford, Conn., Harrison F. Lyman of Boston, Mass., Reeves Aylmore, jr., of Seattle, Wash., and Walter A. De Camp of Cincinnati, Ohio, were admitted to practice.

No. 176. The Bobbs-Merrill Company, appellant, *v.* Isidor Straus et al., etc. Leave granted to file brief herein as *amicus curiæ* on motion of Mr. Stephen H. Olin in that behalf, and counsel for appellees granted leave to file reply within five days.

No. 173. Ware & Leland et al., plaintiffs in error, *v.* Mobile County; and

No. 174. Ware & Leland et al., plaintiffs in error, *v.* The State of Alabama. Submitted by Mr. B. B. Boone for the plaintiffs in error. No appearance for the defendants in error.

No. 162. National Life Insurance Company of the U. S. A., appellant, *v.* National Life Insurance Company et al. Argument continued by Mr. L. A. Stebbins for the appellant, continued by Mr. Henry Russell Platt for the appellees, and concluded by Mr. L. A. Stebbins for the appellant.

No. 163. Stilson Hutchins et al., appellants, *v.* Carrie L. Munn. Argument commenced by Mr. E. C. Brandenburg for the appellants, continued by Mr. Samuel Maddox for the appellee, and concluded by Mr. E. C. Brandenburg for the appellants.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, March 11, will be as follows: Nos. 164, 165, 169, 175, 176, 177, 178 (and 179), 180, 181 and 184.

O

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, MARCH 11, 1908.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

No. 164. W. H. Gazlay et al., appellants, *v.* Fletcher R. Williams, trustee, etc. Argument commenced by Mr. Oscar W. Kuhn for the appellants, continued by Mr. P. M. Pogue and Mr. Walter A. De Camp for the appellee, and concluded by Mr. Oscar W. Kuhn for the appellants.

No. 165. Richard H. Field et al., plaintiffs in error, *v.* The Barber Asphalt Paving Company et al. Submitted by Mr. Richard H. Field for the plaintiffs in error, and by Mr. W. C. Scarritt for the defendants in error.

No. 169. Eva A. Ingersoll, administratrix, etc., petitioner, *v.* Joseph A. Coram et al. Argument commenced by Mr. Hannis Taylor for the petitioner, and continued by Mr. Louis D. Brandeis for the respondents.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, March 12, will be as follows: Nos. 169, 175, 176, 177, 178 (and 179), 180, 181, 184, 187 and 188.

SUPREME COURT OF THE UNITED STATES.

THURSDAY, MARCH 12, 1908.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

C. Clinton James of Washington, D. C., Eldon J. Cassoday of Chicago, Ill., Harris E. Thomas of Lansing, Mich., and Herbert G. Barber of Brattleboro, Vt., were admitted to practice.

No. 169. *Eva A. Ingersoll, administratrix, etc., petitioner, v. Joseph A. Coram et al.* Argument continued by Mr. Louis D. Brandeis for the respondents, and concluded by Mr. E. N. Harwood for the petitioner. Leave granted to counsel for petitioner to file an additional brief within five days.

No. 175. *Simeon Hallowell v. The United States.* Argued by Mr. Thomas L. Sloan for Hallowell, and by Mr. Solicitor-General Hoyt for the United States.

No. 176. *The Bobbs-Merrill Company, appellant, v. Isidor Straus et al., etc.* Argument commenced by Mr. W. H. H. Miller for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, March 13, will be as follows: Nos. 176, 177, 178 (and 179), 180, 181, 184, 187, 188, 190 and 193 (and 194 and 195).

O

SUPREME COURT OF THE UNITED STATES.

FRIDAY, MARCH 13, 1908.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

William J. A. Caffrey of New York City, N. Y., William J. Brennan of New London, Conn., Albert E. Dieterich of Washington, D. C., and Isaac F. Cohen of New York City, N. Y., were admitted to practice.

No. 276. Anderson Gray, appellant, *v.* The Equitable Mortgage Company of Kansas City, Mo., et al. Appeal from the circuit court of the United States for the district of Kansas. Dismissed with costs on motion of counsel for the appellant.

No. 176. The Bobbs-Merrill Company, appellant, *v.* Isidor Straus et al., etc. Argument continued by Mr. Edmond E. Wise and Mr. John G. Carlisle for the appellees, and concluded by Mr. W. H. H. Miller for the appellant. Leave granted to counsel for appellees to file an additional brief within five days on motion of Mr. Edmond E. Wise for the appellees.

No. 177. John M. Longyear, plaintiff in error, *v.* William Toolan et al. Argued by Mr. Edward Cahill for the plaintiff in error, and by Mr. Harris E. Thomas for the defendants in error.

No. 178. Empire State Cattle Company et al., petitioners, *v.* The Atchison, Topeka & Santa Fe Railway Company; and

No. 179. The Minnesota and Dakota Cattle Company, petitioner, *v.* The Atchison, Topeka & Santa Fe Railway Company. Argument commenced by Mr. James S. Botsford for the petitioners.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, March 16, will be as follows: Nos. 178 (and 179), 180, 181, 184, 187, 188, 190, 193 (and 194 and 195), 171 and 196.



SUPREME COURT OF THE UNITED STATES.

MONDAY, MARCH 16, 1908.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

Alan M. Johnson of New York City, Frederick H. Whitfield of Portland, Oreg., Edward Engerud of Fargo, N. Dak., William B. Rose of Lincoln, Nebr., and Frank L. McCoy of Omaha, Nebr., were admitted to practice.

No. 467. Armour Packing Company, petitioner, *v.* The United States;

No. 468. Swift & Company, petitioner, *v.* The United States;

No. 469. Morris & Company, petitioner, *v.* The United States;

No. 470. Cudahy Packing Company, petitioner, *v.* The United States; and

No. 552. The Chicago, Burlington & Quincy Railway Company, petitioner, *v.* The United States. On writs of certiorari to the United States circuit court of appeals for the eighth circuit. Judgments affirmed and causes remanded to the district court of the United States for the western district of Missouri. Opinion by Mr. Justice Day. Dissenting: Mr. Justice Brewer, Mr. Chief Justice Fuller and Mr. Justice Peckham. (Mr. Justice Moody took no part in the decision of these cases.)

No. 104. Dona Maria Francisca O'Reilly de Camera, Countess of Buena Vista, plaintiff in error, *v.* John R. Brooke, major-general, U. S. Army. In error to the district court of the United States for the southern district of New York. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.

No. 144. Jesse Hoyt Smith, appellant, *v.* W. J. Rainey et al. Appeal from the supreme court of the Territory of Arizona. Decree reversed with costs and cause remanded with directions to reverse the decree of the district court and remand the cause to that court with directions to overrule the demurrer. Opinion by Mr. Justice Holmes.

The Chief Justice announces that the court will take a recess from Monday, March 23, to Monday, April 6, next.

The Chief Justice also announced the following orders of the court:

No. 4, Original: Commonwealth of Virginia, complainant, *v.* State of West Virginia. Set down for oral argument on the pending applications for the appointment of a master on Monday, April 6, after the cases already assigned for that day.

No. 411. Miguel Tupino et al., plaintiffs in error, *v.* La Compania Generale de Tabacos de Filipinas. Motion to dismiss postponed to the hearing on the merits.

No. 431. The People of the State of New York ex rel. Abraham Kopel, plaintiff in error, *v.* Theodore A. Bingham, police commissioner, etc. Motion to advance granted and cause assigned for argument on the first Tuesday of the next term (October 13), after the cases already set down for that day.

No. 636. Scruggs, Vandervoort and Barney Dry Goods Company, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 554. The Roderick Lean Manufacturing Company, plaintiff in error, *v.* Remhart Kuelling. In error to the supreme court of the State of New York. Per curiam: Writ of error dismissed for the want of jurisdiction. *Kansas City, Fort Scott & Memphis Railroad Company v. Daughtry*, 138 U. S., 303; *Fisk v. Henaril*, 142 U. S., 459, *McDonnell v. Jordan*, 178 U. S., 229; *Pennsylvania Company v. Bender*, 148 U. S., 255; *In re Pennsylvania Company*, 137 U. S., 451; *Wilson v. North Carolina*, 169 U. S., 586, 595.

No. 165. Richard H. Field, et ux., plaintiffs in error, *v.* The Barber Asphalt Paving Company et al. In error to the Kansas City court of appeals of the State of Missouri. Per curiam: Writ of error dismissed for the want of jurisdiction. *Missouri, Kansas & Texas Railway Company v. Elliott*, 184 U. S., 530; *Sayward v. Denny*, 158 U. S., 180; *Cockran Oil and Development Company v. Arnandet*, 199 U. S. 182; *Life Insurance Company v. McGrew*, 188 U. S. 291; *City and County of San Francisco v. Itsell*, 133 U. S., 65.

ORDER. The reporter having represented that owing to the number of decisions at the present term, it would be impracticable to put the reports in one volume, it is therefore now here ordered that he publish an additional volume in this year pursuant to section 681 of the Revised Statutes.

No. 659. Edgar E. Heavenrich, trustee, etc., petitioner, *v.* Carrie W. Haley. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. Bernard B. Selling for the petitioner, and by Mr. Alexander J. Groesbeck for the respondent.

No. 665. Lutchter and Moore Lumber Company et al., petitioners, *v.* William H. Knight et al. Petition for writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted

by Mr. A. P. Pujo for the petitioners with leave to file an additional brief for petitioners within ten days.

No. 374. The Western Union Telegraph Company, plaintiff in error, *v.* The State of Kansas ex rel. C. C. Coleman, attorney-general; and

No. 381. The Pullman Company, plaintiff in error, *v.* The State of Kansas ex rel. C. C. Coleman, attorney-general. Motion to advance submitted by Mr. S. S. Ashbaugh in behalf of counsel for the defendants in error in support of motion, and by Mr. W. H. Rossington for the plaintiffs in error in both cases and by Mr. John F. Dillon, Mr. Rush Taggart, Mr. George H. Feasons, and Mr. H. T. Estabrook for the plaintiff in error in No. 374 in opposition thereto.

No. 247. Osborn H. Wilson, plaintiff in error, *v.* Erie Railroad Company et al. Motion to dismiss submitted by Mr. Frederick S. Tyler in behalf of Mr. William E. Cushing for the defendants in error.

No. 649. Frederick Lang, plaintiff in error, *v.* The State of New Jersey. Motion to advance submitted by Mr. George Berdine for the defendant in error.

No. —, Original. Ex parte: In the matter of the Perth Amboy Dry Dock Company, petitioner. Motion for leave to file petition for a writ of prohibition submitted by Mr. James D. Dewell, jr., for the petitioner.

No. 178. Empire State Cattle Company et al., petitioners, *v.* The Atchison, Topeka & Santa Fe Railway Company; and

No. 179. The Minnesota & Dakota Cattle Company, petitioner *v.* The Atchison, Topeka & Santa Fe Railway Company. Argument continued by Mr. James S. Botsford for the petitioner, and by Mr. Gardiner Lathrop and Mr. Robert Dunlap for the respondent.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, March 17, will be as follows: Nos. 178 (and 179), 180, 181, 184, 187, 188, 190, 193 (and 194 and 195), 171 and 196.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, MARCH 17, 1908.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

Richard V. Lindabury of Newark, N. J., Edward S. Savage of Rahway, N. J., Frank D. Ryan of Hiawatha, Kans., and John T. Murray of Chicago, Ill., were admitted to practice.

No. 178. Empire State Cattle Company et al., petitioners, *v.* The Atchison, Topeka & Santa Fe Railway Company.

No. 179. The Minnesota & Dakota Cattle Company, petitioner, *v.* The Atchison, Topeka & Santa Fe Railway Company. Argument continued by Mr. Robert Dunlap for the respondent, and concluded by Mr. R. E. Ball for the petitioners.

No. 15, Original. *Ex parte*: In the matter of The State of Nebraska, petitioner. Argument commenced by Mr. W. T. Thompson for the petitioner, continued by Mr. William D. McHugh and Mr. Maxwell Evarts for the respondents, and concluded by Mr. William B. Rose for the petitioner.

No. 180. The Allemannia Fire Insurance Company of Pittsburg, Pa., plaintiff in error, *v.* The Firemen's Insurance Company of Baltimore, to the use, etc. Argument commenced by Mr. H. Prescott Gatley for the plaintiff in error, and continued by Mr. William F. Mattingly for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, March 18, will be as follows: Nos. 180, 181, 184, 187, 188, 190, 193 (and 194 and 195), 171, 196 and 198.

O

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, MARCH 18, 1908.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

Herbert W. Hovey of St. Johnsbury, Vt., Jerome D. Creed of Cincinnati, Ohio, James Breathitt of Frankfort, Ky., John J. Phelan of Bridgeport, Conn., and Martin W. Littleton of New York City were admitted to practice.

No. 180. The Allemannia Fire Insurance Company of Pittsburg, Pa., plaintiff in error, *v.* The Firemen's Insurance Company of Baltimore, to the use, etc. Argument continued by Mr. William F. Mattingly and Mr. T. Wallis Blakistone for the defendant in error, and concluded by Mr. Andrew Y. Bradley for the plaintiff in error.

No. 181. Liu Hop Fong, plaintiff in error, *v.* The United States. Argument commenced by Mr. Frank L. McCoy for the plaintiff in error, continued by Mr. Assistant Attorney-General Cooley for the defendant in error, and concluded by Mr. Frank L. McCoy for the plaintiff in error.

No. 184. The Hudson County Water Company, plaintiff in error, *v.* Robert H. McCarter, attorney-general, etc. Argument commenced by Mr. Gilbert Collins for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, March 19, will be as follows: Nos. 184, 187, 188, 190, 193 (and 194 and 195), 171, 196, 198, 199 and 200.

O

SUPREME COURT OF THE UNITED STATES.

THURSDAY, MARCH 19, 1908.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

G. A. Spaulding of Garvin, Okla., Henry Samuel Priest of St. Louis, Mo., Guy W. Mallon of Cincinnati, Ohio, Abram D. Gash of Chicago, Ill., and Charles H. Bauman of Washington, D. C., were admitted to practice.

No. 200. L. Lechenger et al., plaintiffs in error, *v.* Merchants' National Bank of Houston et al. In error to the court of civil appeals of the first supreme judicial district of the State of Texas. Dismissed with costs per stipulation.

No. 184. The Hudson County Water Company, plaintiff in error, *v.* Robert H. McCarter, attorney-general, etc. Argument continued by Mr. Gilbert Collins for the plaintiff in error, and by Mr. Robert H. McCarter for the defendant in error, and concluded by Mr. Richard V. Lindabury for the plaintiff in error.

No. 187. Albert C. Twining et al., plaintiffs in error, *v.* The State of New Jersey. Argument commenced by Mr. John G. Johnson for the plaintiffs in error, and continued by Mr. Marshall Van Winkle for the plaintiffs in error, and by Mr. H. M. Neviens and Mr. Robert H. McCarter for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, March 20, will be as follows: Nos. 187, 188, 190, 193 (and 194 and 195), 171, 196, 198, 199, 201 and 202.

O

SUPREME COURT OF THE UNITED STATES.

FRIDAY, MARCH 20, 1908.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

W. W. Gooch of New York City, Frederic C. Scofield of New York City, Nathan Loeser of Cleveland, Ohio, and Amos Burt Thompson of Cleveland, Ohio, were admitted to practice.

No. 196. Carolyn Foster Stickney, executrix, etc., et al., plaintiffs in error, *v.* Otto Kelsey, comptroller, etc. Submitted by Mr. Edward Mitchell for the plaintiffs in error, and by Mr. David B. Hill for the defendant in error.

No. 187. Albert C. Twining et al., plaintiffs in error, *v.* The State of New Jersey. Argument continued by Mr. Robert H. McCarter for the defendant in error, and concluded by Mr. John G. Johnson for the plaintiffs in error.

No. 188. Adolph F. Lippard et al., plaintiffs in error and appellants, *v.* Ida P. Humphrey et al. Argument commenced by Mr. Chapin Brown for the plaintiffs in error and appellants, continued by Mr. C. Clinton James and Mr. B. F. Leighton for the defendants in error and appellees, and concluded by Mr. Chapin Brown for the plaintiffs in error and appellants.

No. 193. The City of St. Louis, appellant, *v.* The United Railways Company et al.;

No. 194. The City of St. Louis, appellant, *v.* The St. Louis Suburban Railway Company; and

No. 195. The City of St. Louis, appellant, *v.* The St. Louis and Meramec River Railroad Company. Argument commenced by Mr. William F. Woesner for the appellant.

Adjourned until Monday next at 12 o'clock.

O

SUPREME COURT OF THE UNITED STATES.

MONDAY, MARCH 23, 1908.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

E. Watkins of Chattanooga, Tenn., M. M. Allison of Chattanooga, Tenn., Mason F. Prosser of Honolulu, Hawaii, H. Snowden Marshall of New York City and Michael J. Horan of New York City were admitted to practice.

No. 163. Stilson Hutchins et al., appellants, *v.* Carrie L. Munn. Appeal from the court of appeals of the District of Columbia. Decree affirmed with costs. Opinion by Mr. Justice Moody.

No. 166. B. F. Asbell, plaintiff in error, *v.* The State of Kansas. In error to the supreme court of the State of Kansas. Judgment affirmed with costs. Opinion by Mr. Justice Moody.

No. 533. Charles Thomas, plaintiff in error, *v.* The State of Iowa. In error to the supreme court of the State of Iowa. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Moody.

No. 48. Napoleon B. Dotson, plaintiff in error, *v.* William A. Milliken. In error to the court of appeals of the District of Columbia. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.

No. 128. General Oil Company, plaintiff in error, *v.* John H. Crain, inspector, etc. In error to the supreme court of the State of Tennessee. Judgment affirmed with costs. Opinion by Mr. Justice McKenna. Concurring: Mr. Justice Harlan. Dissenting: Mr. Justice Moody and Mr. Justice Holmes.

No. 10, Original. *Ex parte:* In the matter of Edward T. Young, petitioner. Rule discharged and petition for writs of habeas corpus and certiorari dismissed. Opinion by Mr. Justice Peckham. Dissenting: Mr. Justice Harlan.

No. 474. Thomas F. Hunter, sheriff, etc., appellant, *v.* James H. Wood. Appeal from the circuit court of the United States for the western district of North Carolina. Final order affirmed with costs. Opinion by Mr. Justice Peckham. Dissenting: Mr. Justice Harlan.

No. 73. The Interstate Commerce Commission, appellant, *v.* The Chicago Great Western Railway Company et al. Appeal from the circuit court of the United States for the northern district of Illinois.

Decree affirmed with costs. Opinion by Mr. Justice Brewer. (Mr. Justice Moody took no part in the decision of this case.)

No. 175. Simeon Hallowell *v.* The United States. On a certificate from the United States circuit court of appeals for the eighth circuit. Dismissed. Opinion by Mr. Justice Harlan.

No. 147. Juan Garcia Bosque, plaintiff in error, *v.* The United States. In error to the supreme court of the Philippine Islands. Judgment affirmed. Opinion by Mr. Chief Justice Fuller.

The Chief Justice announced the following orders of the court:

No. —, Original. *Ex parte*: In the matter of the Perth Amboy Dry Dock Company, petitioner. Motion for leave to file petition for a writ of prohibition granted and rule to show cause awarded returnable on Monday, April 6, next.

No. 247. Osbern H. Wilson, plaintiff in error, *v.* Erie Railroad Company et al. In error to the circuit court of the United States for the northern district of Ohio. Dismissed for the want of jurisdiction.

No. 374. The Western Union Telegraph Company, plaintiff in error, *v.* The State of Kansas *ex rel.* C. C. Coleman, attorney-general; and

No. 381. The Pullman Company, plaintiff in error, *v.* The State of Kansas *ex rel.* C. C. Coleman, attorney-general. Motions to advance denied.

No. 632. Emilie Saxlehner, petitioner, *v.* Edward Wagner et al. Order denying petition for writ of certiorari set aside and writ of certiorari to the United States circuit court of appeals for the sixth circuit granted.

No. 649. Frederick Lang, plaintiff in error, *v.* The State of New Jersey. Motion to advance granted and cause assigned for argument on Monday, April 6, at the head of the call for that day.

No. 659. Edgar E. Heavenrich, trustee, etc., petitioner, *v.* Carrie W. Haley. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 656. J. Wilcox Brown et al., petitioners, *v.* Wellmore Coal Company. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. John G. Carlisle and Mr. H. Snowden Marshall, for the petitioners, and by Mr. John G. Johnson and Mr. W. H. Ruppell for the respondent.

No. 675. Eva T. Brough et al., petitioners, *v.* Charles K. Seymour. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. Charles Henry Butler in behalf of Mr. Presley K. Ewing for the petitioners, and by Mr. Roger W. Butterfield and Mr. Willard F. Keeney for the respondent.

No. 678. Robert H. Kobusch, petitioner, *v.* William H. Hand, trustee, etc. Petition for a writ of certiorari to the United States

circuit court of appeals for the eighth circuit submitted by Mr. James L. Hopkins for the petitioner, and by Mr. E. C. Brandenburg for the respondent.

No. 668. Mason Williams, trustee, etc., petitioner, *v.* The National Bank of Commerce of St. Louis, Mo. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. E. C. Brandenburg for the petitioner, and by Mr. Charles W. Ogden for the respondent.

No. 669. J. T. Woodward, petitioner, *v.* James D. Davidson et al. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. L. T. Michener in behalf of Mr. George R. Peck, Mr. H. H. Field and Mr. E. C. Hughes for the petitioner, and by Mr. Edward Brady for the respondents.

No. 563. Thomas M. Fields, appellant, *v.* Charles E. Haddox, warden, etc. Motions to advance, to enlarge appellant on bail and to substitute new party appellee herein submitted by Mr. Frank J. Hogan for the appellant. Motions to dismiss or affirm submitted by Mr. Solicitor-General Hoyt in support of motions, and by Mr. Frank J. Hogan, Mr. Henry E. Davis and Mr. John C. Gittings in opposition thereto.

No. 193. The City of St. Louis, appellant, *v.* The United Railways Company et al.;

No. 194. The City of St. Louis, appellant, *v.* The St. Louis Suburban Railway Company; and

No. 195. The City of St. Louis, appellant, *v.* The St. Louis and Meramec River Railroad Company. Argument concluded by Mr. Henry S. Priest for the appellees.

Adjourned until Monday, April 6, at 12 o'clock.

The day call for Monday, April 6, will be as follows: Nos. 649, 599, 535, 105, 4, original. 190, 171, 198. 199 and 201.

SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 6, 1908.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

E. B. Perkins of Dallas, Tex., Harry F. O'Neill of New York City, William A. Lancaster of Minneapolis, Minn., James F. Callbreath, jr., of Denver, Colo., Edward P. Costigan of Denver, Colo., James Bingham of Indianapolis, Ind., Madison Marine of Baltimore, Md., Harry R. Boyd of Memphis, Tenn., Hanson C. Gibson of New York City, Marsene Johnson of Galveston, Tex., John B. Moon of Charlottesville, Va., George G. Clough of Galveston, Tex., George A. Ward of Atchison, Kans., John Francis, jr., of Colony, Kans., J. Blair Snoenfelt of Muskogee, Okla., Evan W. Estep of Honolulu, Hawaii, J. Gordon Jones of Cordele, Ga., and A. Y. Dawes of New Brunswick, N. J., were admitted to practice.

No. 177. John M. Longyear, plaintiff in error, *v.* William Toolan et al. In error to the supreme court of the State of Michigan. Judgment affirmed with costs. Opinion by Mr. Justice Moody.

No. 196. Carolyn Foster Stickney, executrix, etc., et al., plaintiffs in error, *v.* Otto Kelsey, comptroller of the State of New York. In error to the surrogate's court in and for the county of New York, State of New York. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Moody.

No. 97. The Yazoo & Mississippi Valley Railroad Company, appellant, *v.* The Mayor and Aldermen of the City of Vicksburg. Appeal from the circuit court of the United States for the southern district of Mississippi. Decree affirmed with costs and interest. Opinion by Mr. Justice Day.

No. 122. Alfred W. Putnam, as trustee, etc., petitioner, *v.* John M. Shaw et al. On writ of certiorari to the United States circuit court of appeals for the second circuit. Judgment affirmed with costs and cause remanded to the district court of the United States for the southern district of New York. Opinion by Mr. Justice Day. Separate opinion by Mr. Justice Holmes.

No. 197. Edward S. Thomas et al., trustees, etc., petitioners, *v.* Anna D. Taggart et al. On writ of certiorari to the United States circuit court of appeals for the second circuit. Judgment affirmed with costs and cause remanded to the district court of the United States for the southern district of New York. Opinion by Mr. Justice Day.

No. 150. J. B. Beadles, plaintiff in error and appellant, *v.* A. E. Smyser. Mayor, etc., et al. In error to and appeal from the supreme court of the Territory of Oklahoma. Judgment reversed with costs and cause remanded to the supreme court of the State of Oklahoma for further proceedings in accordance with the opinion of this court. Opinion by Mr. Justice Day.

No. 173. Ware and Leland, a copartnership, et al., plaintiffs in error, *v.* Mobile County; and

No. 174. Ware and Leland, a corporation, et al., plaintiffs in error, *v.* The State of Alabama. In error to the supreme court of the State of Alabama. Judgments affirmed with costs. Opinion by Mr. Justice Day.

No. 184. The Hudson County Water Company, plaintiff in error, *v.* Robert H. McCarter, attorney-general of the State of New Jersey. In error to the court of errors and appeals of the State of New Jersey. Judgment affirmed with costs. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice McKenna.

No. 152. The United States, appellant, *v.* Cerecedo Hermanos y Compania. Appeal from the district court of the United States for Porto Rico. Judgment reversed and cause remanded with directions to reverse the action of the Board of General Appraisers. Opinion by Mr. Justice McKenna. Mr. Justice White and Mr. Justice Peckham concur in part.

No. 160. J. B. Thompson, plaintiff in error, *v.* Commonwealth of Kentucky, by T. C. Albritton, revenue agent. In error to the court of appeals of the State of Kentucky. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 154. The United States Fidelity and Guaranty Company, plaintiff in error, *v.* The United States, for the use and benefit of Struther Wells Company. In error to the United States circuit court of appeals for the second circuit. Judgment affirmed with costs and cause remanded to the circuit court of the United States for the eastern district of New York. Opinion by Mr. Justice Peckham.

No. 162. National Life Insurance Company of the United States of America, appellant, *v.* National Life Insurance Company et al. Appeal from the United States circuit court of appeals for the seventh circuit. Decree affirmed with costs and cause remanded to the circuit court of the United States for the northern district of Illinois. Opinion by Mr. Justice Peckham.

No. 180. The Allemannia Fire Insurance Company of Pittsburg, Pa., plaintiff in error, *v.* The Firemen's Insurance Company of Baltimore, to the use of Francis E. S. Wolfe, receiver. Appeal from the

court of appeals of the District of Columbia. Judgment affirmed with costs. Opinion by Mr. Justice Peckham.

No. 141. Juan R. Garzot et al., etc., appellants, *v.* Maria Rios de Rubio;

No. 142. Victor Buset et al., etc., appellants, *v.* Maria Rios de Rubio; and

No. 604. Victor Buset et al., etc., appellants, *v.* Maria Rios de Rubio. Appeals from the district court of the United States for Porto Rico. Decree reversed with costs and cause remanded with directions to dismiss the bill of complaint for want of jurisdiction over the subject-matter. Opinion by Mr. Justice White.

No. 155. McCabe & Steen Construction Company, plaintiff in error, *v.* William N. Wilson. In error to the supreme court of the Territory of Oklahoma. Judgment affirmed with costs and cause remanded to the supreme court of the State of Oklahoma. Opinion by Mr. Justice Brewer.

No. 188. Adolph F. Lippard et al., plaintiffs in error and appellants, *v.* Ida P. Humphrey et al. In error to and appeal from the court of appeals of the District of Columbia. Decree affirmed with costs. Opinion by Mr. Chief Justice Fuller.

The Chief Justice also announced the following orders of the Court:

No. —. Original. Ex parte: In the matter of Michael Crarchilo, petitioner. Motion for leave to file petition for writ of mandamus denied.

No. —. Original. Ex parte: In the matter of Michael Crarchilo, petitioner. Motion for leave to file petition for writ of prohibition denied.

No. 656. J. Willcox Brown et al., petitioners, *v.* Wellmore Coal Company. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 668. Mason Williams, trustee, etc., petitioner, *v.* The National Bank of Commerce of St. Louis, Mo. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 669. J. T. Woodward, petitioner, *v.* James D. Davidson et al. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 675. Eva T. Brough et al., petitioners, *v.* Charles K. Seymour. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 678. Robert H. Kabusch, petitioner, *v.* William H. Hand, trustee, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 665. Lucher and Moore Lumber Company et al., petitioners, *v.* William H. Knight et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit granted.

No. 9, Original. State of Louisiana, complainant, *v.* James R. Garfield, Secretary of the Interior, et al. Leave granted to file demurrer herein on motion of Mr. Solicitor-General Hoyt for the defendants. Fred Dennett, as Commissioner of the General Land Office, substituted in the place of Richard A. Ballinger, as a party defendant herein on motion of Mr. George H. Lamar for the complainant.

No. 680. James S. Yeates, appellant, *v.* George B. Roberson, sheriff, etc. Motion to advance submitted by Mr. A. O. Bacon in behalf of counsel for the appellee. Motion for leave to proceed in forma pauperis submitted by Mr. W. B. Matthews in behalf of counsel for appellant.

No. —, Original. Ex parte: In the matter of Smokeless Fuel Company, petitioner. Motion for leave to file petition for a writ of mandamus submitted by Mr. Alexander H. Sands, Mr. William L. Royall and Mr. George Bryan for the petitioner.

No. 608. Robert R. Prentis et al., etc., appellants, *v.* Chesapeake Western Railway. Advanced and assigned for argument with Nos. 606, 607, 610 and 611, as one case, on the first Tuesday of the next term (October 13) on motion of Mr. William A. Anderson for the appellants.

No. 357. Henry Clay Pierce, appellant, *v.* Edmund P. Creecy, chief of police, etc. Motion to advance submitted by Mr. Frederic D. McKenney in behalf of counsel for the appellant.

No. 685. Robert Dollar et al., petitioners, *v.* St. Paul Fire and Marine Insurance Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. Alexander Britton in behalf of Mr. Charles Page, Mr. Edward J. McCutchen and Mr. Samuel Knight for the petitioners, and by Mr. Walter H. Robinson for the respondents.

No. 681. E. H. McCutchen & Co. et al., petitioners, *v.* A. N. Bort. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. Elbert H. Hubbard for the petitioners.

No. 684. Armand Schmoll, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. W. Wickham Smith and Mr. John K. Maxwell for the petitioner, with leave to counsel for the respondent to file brief on or before Friday next.

No. 625. The United States, plaintiff in error, *v.* F. W. Keitel et al. Motion to dismiss submitted by Mr. Samuel Herrick in behalf of Mr. Edwin H. Park in support of the motion, and by Mr. Solicitor-General Hoyt in opposition thereto.

No. 105. Marcellus Thomas, plaintiff in error, *v.* The State of Texas. Continued on motion of Mr. W. E. Hawkins for the defendant in error.

No. 4, Original. Commonwealth of Virginia, complainant, *v.* State of West Virginia. Leave granted to Mr. Holmes Conrad to be heard orally as amicus curiae, and to Mr. Randolph Harrison to be heard orally for the complainant.

No. 649. Frederick Lang, plaintiff in error, *v.* The State of New Jersey. Argued by Mr. Alan H. Strong for the plaintiff in error and by Mr. George Berdine for the defendant in error.

No. 599. The United States, appellant, *v.* The Chandler-Dunbar Water Power Company. One hour additional time allowed to each side and three counsel to be heard on each side in the argument of this case on motion of Mr. Attorney-General Bonaparte. Argument commenced by Mr. Duane E. Fox for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 7, will be as follows: Nos. 599, 535, 4, original, 190, 171, 198, 199, 201, 202 and 203.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 7, 1908.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day.

William B. C. Stickney of Bethel, Vt., was admitted to practice.

No. 599. The United States, appellant, *v.* The Chandler-Dunbar Water Power Company. Argument continued by Mr. Duane E. Fox for the appellant, by Mr. A. B. Eldredge and Mr. J. H. Goff for the appellee, by Mr. Solicitor-General Hoyt for the appellant, by Mr. Moses Hooper for the appellee, and by Mr. Attorney-General Bonaparte for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 8, will be as follows: Nos. 599, 535, 4, original, 190, 171, 198, 199, 201, 202 and 203.

O

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, APRIL 8, 1908.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

A. B. Shafer of Marion, Ark., Robert Carey of Jersey City, N. J., and Eugene W. Leake of Jersey City, N. J., were admitted to practice.

No. 599. The United States, appellant, *v.* The Chandler-Dunbar Water Power Company. Argument concluded by Mr. Attorney-General Bonaparte for the appellant.

No. 535. Bradley W. Palmer et al., petitioners, *v.* The State of Texas et al. Three counsel for the respondents allowed to make oral argument herein on motion of Mr. R. V. Davidson for the respondents. Argument commenced by Mr. Moorfield Storey for the petitioners, and continued by Mr. T. W. Gregory, Mr. Robert Vance Davidson and Mr. G. W. Allen for the respondents, and by Mr. E. B. Perkins for the petitioners.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 9, will be as follows: Nos. 535, 4, original, 190, 171, 198, 199, 201, 202, 203 and 204 (and 205).



SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 9, 1908.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Moody.

John J. Lordan of New York City was admitted to practice.

No. 535. Bradley W. Palmer et al., petitioners, *v.* The State of Texas et al. Argument concluded by Mr. E. B. Perkins for the petitioners.

No. 4, Original. Commonwealth of Virginia, complainant, *v.* State of West Virginia. Argument on motion for the appointment of a master herein commenced by Mr. Holmes Conrad as *amicus curiæ*, and continued by Mr. Randolph Harrison for the complainant, and by Mr. John C. Spooner for the defendant.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, April 10, will be as follows: Nos. 4, original, 190, 171, 198, 199, 201, 202, 203, 204 (and 205) and 206.

O

SUPREME COURT OF THE UNITED STATES.

FRIDAY, APRIL 10, 1908.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Moody.

Henry A. Stickney of New York City, J. Davis Brodhead of South Bethlehem, Pa., Andrew J. Peters of Boston, Mass., Joshua M. Sears of Boston, Mass., and James T. McCulloch of Washburn, N. Dak., were admitted to practice.

No. 4, Original. Commonwealth of Virginia, complainant, *v.* State of West Virginia. Argument continued by Mr. John C. Spooner and Mr. John G. Carlisle for the defendant, and concluded by Mr. William A. Anderson for the complainant.

No. 190. Berea College, plaintiff in error, *v.* The Commonwealth of Kentucky. Argument commenced by Mr. Guy Ward Mallon for the plaintiff in error.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 13, will be as follows: Nos. 190, 171, 198, 199, 201, 202, 203, 204 (and 205), 206 and 207.

O

SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 13, 1908.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

John J. Jones of Chanute, Kans., M. L. Blake of Sheridan, Wyo., William A. Carr of Philadelphia, Pa., and Eric A. Burgess of Sioux City, Iowa, were admitted to practice.

No. 140. The Shawnee Compress Company et al., appellants, *v.* Neill P. Anderson et al. Appeal from the supreme court of the Territory of Oklahoma. Decree affirmed with costs and cause remanded to the supreme court of the State of Oklahoma. Opinion by Mr. Justice McKenna.

The Chief Justice announced the following orders of the court:

No. —, Original. *Ex parte*: In the matter of Smokeless Fuel Company, petitioner. Motion for leave to file petition for a writ of mandamus denied.

No. 357. Henry Clay Pierce, appellant, *v.* Edmund P. Creecy, chief of police, etc. Motion to advance granted and cause assigned for argument on Monday, the 20th instant.

No. 625. The United States, plaintiff in error, *v.* F. W. Keitel et al. Motion to dismiss postponed to the hearing of the case on its merits.

No. 680. James S. Yeates, appellant, *v.* George B. Roberson, sheriff, etc. Motion to advance granted and cause assigned for argument on Monday, the 27th instant. Motion for leave to proceed *in forma pauperis* granted.

No. 681. E. H. McCutchen & Co. et al., petitioners, *v.* A. N. Bort. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 684. Armand Schmall, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 685. Robert Dollar et al., petitioners, *v.* St. Paul Fire and Marine Insurance Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit denied.

No. 563. Thomas M. Fields, appellant, *v.* Charles E. Haddox, warden, etc. Appeal from the district court of the United States for the northern district of West Virginia. *Per curiam*: Final order

affirmed with costs. *Fields v. United States*, 205 U. S., 292; 27 App. D. C., 433; *In re Eckart*, 166 U. S., 481; *In re Coy*, 127 U. S., 731.

The Chief Justice also announced that the court would not sit on Friday, the 17th instant.

No. 17. *Edgar Jadwin et al., plaintiffs in error, v. The State of Texas*. In error to the court of civil appeals of the first supreme judicial district of the State of Texas. Dismissed with costs on motion of Mr. Solicitor-General Hoyt for the plaintiffs in error.

No. 315. *Goon Shung, alias Ng Shung, plaintiff in error, v. The United States*. Motions to dismiss or affirm submitted by Mr. Solicitor-General Hoyt in support of the motions, and by Mr. Thomas J. Barry and Harry J. Jaquith in opposition thereto.

No. 693. *The New York, New Haven and Hartford Railroad Company, petitioner, v. The Steamship Werdenfels, etc.* Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. La Roy S. Gove and Mr. James J. Macklin for the petitioner, and by Mr. Charles C. Burlingham for the respondent.

No. 587. *William Porter Davis, jr., trustee, etc., petitioner, v. B. Crompton et al., etc.* Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. Samuel W. Cooper for the petitioner, and by Mr. William A. Carr for the respondents.

No. 701. *George B. Christie et al, etc., et al., petitioners, v. The Fane Steamship Company*. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. Duane E. Fox for the petitioners, and by Mr. J. D. Rouse, Mr. William Grant and Mr. William B. Grant for the respondent.

No. 688. *The Village of Saratoga Springs et al., petitioners, v. The Cameron Septic Tank Company*. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Melville Church and Mr. Charles L. Sturtevant for the petitioners, and by Mr. Livingston Gifford for the respondent.

No. 190. *Berea College, plaintiff in error, v. The Commonwealth of Kentucky*. Argument continued by Mr. Guy Ward Mallon for the plaintiff in error, and by Mr. N. B. Hays for the defendant in error, and concluded by Mr. John G. Carlisle for the plaintiff in error.

No. 171. *The Savings Deposit Bank and Trust Company of Elyria, Ohio, appellant, v. Nathan Loeser, trustee, etc.* Argument commenced by Mr. John C. Hale for the appellant, and continued by Mr. A. B. Thompson for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 14, will be as follows: Nos. 171, 198, 199, 201, 202, 203, 204 (and 205), 206, 207 and 208.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 14, 1908.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

Carlton Prouty of Winnetka, Ill., William E. Trautmann of East St. Louis, Ill., John L. Flannigen of East St. Louis, Ill., and Ralph R. Bradley of Chicago, Ill., were admitted to practice.

No. 691. Frank T. W. Palmer, petitioner, *v.* Fordyce G. Bradley et al. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by Mr. John C. Gettings in behalf of Mr. John J. Lordan and Mr. John Barton Payne for the petitioner, and by Mr. John J. Herrick for the respondents.

No. 171. The Savings Deposit Bank and Trust Company of Elyria, Ohio, appellant, *v.* Nathan Loeser, trustee, etc. Argument concluded by Mr. A. B. Thompson for the appellee. Leave granted to counsel for the appellant to file an additional brief within one week, and to counsel for appellee to file a reply thereto if so advised.

No. 198. Boston & Maine Railroad, petitioner, *v.* John N. Gokey. Argument commenced by Mr. George B. Young for the petitioner, continued by Mr. H. W. Hovey for the respondent, and concluded by Mr. George B. Young for the petitioner.

No. 199. Charles W. Hunter et al., petitioners, *v.* Rebecca A. Johnson et al. Argued by Mr. A. B. Shafer for the petitioners. No counsel appeared for the respondents.

No. 201. St. Louis, Iron Mountain & Southern Railway Company, plaintiff in error, *v.* Mary Taylor, administratrix, etc. Argued by Mr. Rush Taggart for the plaintiff in error, and submitted by Mr. Sam. R. Chew for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 15, will be as follows: Nos. 202, 203, 204 (and 205), 206, 207, 208, 209, 210, 211 and 212.

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SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, APRIL 15, 1908.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

Warren Dixon of Jersey City, N. J., James J. Murphy of Jersey City, N. J., Joseph G. Waters of Topeka, Kans., James Boyd Potter of New York City, Joseph C. Rich of Mobile, Ala., and M. C. McCannless of Morristown, Tenn., were admitted to practice.

No. 239. The Pacific Express Company et al., plaintiffs in error, *v.* M. W. Needham. In error to the court of civil appeals of the third supreme judicial district of the State of Texas. Dismissed with costs on motion of counsel for the plaintiffs in error.

No. 202. Continental Paper Bag Company, petitioner, *v.* Eastern Paper Bag Company. Argument commenced by Mr. Albert H. Walker for the petitioner, continued by Mr. Samuel R. Betts and Mr. Francis T. Chambers for the respondent, and concluded by Mr. Albert H. Walker for the petitioner.

No. 203. The Central Railroad Company of New Jersey, plaintiff in error, *v.* The Mayor, etc., of Jersey City et al. Argument commenced by Mr. Frank Bergen for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 16, will be as follows: Nos. 203, 204 (and 205), 206, 207, 208, 209, 210, 211, 212 and 213.



SUPREME COURT OF THE UNITED STATES

THURSDAY, APRIL 16, 1908.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

James T. Drought of Milwaukee, Wis., Frederick S. Taggart of Westfield, N. J., George P. Codd of Detroit, Mich., Edward F. McClennen of Boston, Mass., Wash. Adams of Kansas City, Mo., Arthur M. Churchill of Milwaukee, Wis., J. M. Schoenheit of Kansas City, Mo., George B. Johnson of West Chester, Pa., and John F. O'Keefe of Saginaw, Mich., were admitted to practice.

No. 203. The Central Railroad Company of New Jersey, plaintiff in error, *v.* The Mayor, etc., of Jersey City et al. Argument continued by Mr. Frank Bergen for the plaintiff in error, by Mr. Warren Dixon for the defendant in error, and concluded by Mr. William D. Edwards for the plaintiff in error.

No. 204. Charles Scribner et al., etc., appellants, *v.* Isidor Straus et al., etc.; and

No. 205. Charles Scribner's Sons (Incorporated), appellant, *v.* Isidor Straus et al., etc. Argued by Mr. John G. Carlisle for the appellees, and submitted by Mr. Stephen H. Olin for the appellants.

No. 206. The Old Dominion Copper Mining and Smelting Company, petitioner, *v.* Frederick Lewisohn et al., executors, etc. Argument commenced by Mr. Edward F. McClennen for the petitioner, and continued by Mr. Eugene Treadwell for the respondent.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 20, will be as follows: Nos. 206, 357, 207, 208, 209, 210, 211, 212, 213 and 214.

O

SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 20, 1908.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

Henry McGrew of Kansas City, Kans., Charles H. Nearing of Kansas City, Mo., George A. Mahan of Hannibal, Mo., Henry L. Alden of Kansas City, Kans., Alexander J. Miller of Bellefontaine, Ohio, John C. Sweet of Minneapolis, Minn., Carlos Greenleaf White of Oakland, Cal., George W. Abele of Boston, Mass., Walter F. Daly of Denver, Colo., J. Herbert Cole of Detroit, Mich., Seymour Coleman of Chicago, Ill., and S. M. Brosius of Washington, D. C., were admitted to practice.

No. 181. *Lin Hop Fong*, plaintiff in error, *v. The United States*. In error to the district court of the United States for the district of Nebraska. Judgment reversed and cause remanded with directions to discharge the plaintiff in error from custody without prejudice to further proceedings. Opinion by Mr. Justice Day.

No. 599. *The United States*, appellant, *v. The Chandler-Dunbar Water Power Company*. Appeal from the United States circuit court of appeals for the sixth circuit. Decree affirmed and cause remanded to the circuit court of the United States for the western district of Michigan. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice Harlan.

No. 17, Original. *Ex parte*: In the matter of *Albert N. Moore, etc.*, petitioner. Rule discharged and petition for writ of mandamus denied. Opinion by Mr. Justice Brewer. Dissenting: Mr. Chief Justice Fuller.

No. 15, Original. *Ex parte*: In the matter of *The State of Nebraska*, petitioner. Rule discharged and petition for a writ of mandamus dismissed. Opinion by Mr. Chief Justice Fuller.

The Chief Justice also announced the following orders of the court:

No. 315. *Goon Shung*, alias *Ng Shung*, plaintiff in error, *v. The United States*. Motions to dismiss or affirm postponed to the hearing of the case on its merits.

No. 587. *William Porter Davis, jr.*, trustee, etc., petitioner, *v. B. Crompton et al.*, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 688. The Village of Saratoga Springs et al., petitioners, *v.* The Cameron Septic Tank Company. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 691. Frank T. W. Palmer, petitioner, *v.* Fordyce G. Bradley et al. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit denied.

No. 693. The New York, New Haven & Hartford Railroad Company, petitioner, *v.* The Steamship Werdenfels, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 701. George B. Christie et al., etc., petitioners, *v.* The Fane Steamship Company. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 199. Charles W. Hunter et al., petitioners, *v.* Rebecca A. Johnson et al. On a writ of certiorari to the United States circuit court of appeals for the eighth circuit. Decree of United States circuit court of appeals reversed with costs and decree of circuit court of the United States for the eastern district of Arkansas affirmed with costs and cause remanded to that court. *Ballard v. Hunter*, 204 U. S., 241.

No. 692. Victor A. Cook, petitioner, *v.* Mobile, Jackson & Kansas City Railroad Company. Petition for writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. Hannis Taylor for the petitioner, and by Mr. Joseph C. Rich and Mr. William H. McIntosh for the respondent.

No. 647. The Board of County Commissioners of Freeborn County, Minn., petitioner, *v.* The Interstate Drainage & Investment Company. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. M. D. Purdy in behalf of Mr. Norman E. Peterson for the petitioner, and by Mr. Thomas D. Healy for the respondent.

No. 353. Daniel B. Scully et al., appellants, *v.* Arthur C. Bird. Advanced and submitted under the thirty-second rule by Mr. Edward T. Fenwick for the appellants, and by Mr. John E. Bird for the appellee.

Nos. 274 and 294. The New York Central and Hudson River Railroad Company, plaintiff in error, *v.* The United States. Motion to advance submitted by Mr. John D. Lindsay and Mr. Austen G. Fox for the plaintiff in error.

No. 624. The United States, plaintiff in error, *v.* The New York Central and Hudson River Railroad Company. Motion to advance submitted by Mr. Solicitor-General Hoyt for the plaintiff in error.

No. 351. Western Loan and Savings Company, plaintiff in error, *v.* Butte and Boston Consolidated Mining Company. Advanced pursuant to the thirty-second rule on motion of Mr. J. J. Darlington in behalf of counsel, and cause submitted by Mr. John A. Shelton for

the plaintiff in error, and by Mr. Lewis O. Evans for the defendant in error, with leave to counsel for defendant in error to file brief on or before May 1.

No. 291. George H. Penrose, appellant, *v.* The United States. Appeal from the Court of Claims. Dismissed on motion of Mr. Frederic D. McKenney for the appellant.

No. 718. Gustav Holmgren, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. Heber J. May in behalf of Mr. William M. Madden for the petitioner, and by Mr. Solicitor-General Hoyt for the respondent.

No. 717. Martin W. Stewart et al., petitioners, *v.* The Board of Trustees of Park College et al. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. Charles H. Nearing for the petitioners, and by Mr. H. L. Alden for the respondents.

No. 277. Ontario Land Company, plaintiff in error, *v.* Jay Yordy et ux. Motion to dismiss submitted by Mr. B. S. Grosseup for the defendants in error in support of motion, and by Mr. A. L. Agatin for the plaintiff in error in opposition thereto.

No. 206. The Old Dominion Copper Mining and Smelting Company, petitioner, *v.* Frederick Lewisohn et al., executors, etc. Argument continued by Mr. Eugene Treadwell for the respondents, and concluded by Mr. Louis D. Brandeis for the petitioner.

No. 357. Henry Clay Pierce, appellant, *v.* Edmund P. Creecy, chief of police, etc. Argument commenced by Mr. Joseph H. Choate, jr., for the appellant, and continued by Mr. Shepard Barclay for the appellee.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 21, will be as follows: Nos. 357, 207, 208, 209, 210, 211, 212, 213, 214 and 215.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 21, 1908.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

Clarence Harmon Olson of Honolulu, Hawaii, Fred K. Neilsen of Lincoln, Nebr., Robert Burett Oliver, jr., of Cape Girardeau, Mo., Curtis E. McBride of Mansfield, Ohio, Norman M. Wolfe of Mansfield, Ohio, and F. J. McCord of Tyler, Tex., were admitted to practice.

No. 209. Thomas H. Pickford et al., plaintiffs in error, *v.* Henry M. Talbott. Assigned for argument on the first Tuesday of the next term (October 13), after the cases already set down for that day, on motion of Mr. Henry E. Davis for the plaintiffs in error.

No. 357. Henry Clay Pierce, appellant, *v.* Edmund P. Creecy, chief of police, etc. Argument continued by Mr. Shepard Barclay and Mr. F. J. McCord for the appellee, and concluded by Mr. Joseph H. Choate for the appellant. Leave granted to counsel for appellee to file an additional brief within five days.

No. 207. The Galveston, Harrisburg & San Antonio Railway Company et al., plaintiffs in error, *v.* The State of Texas. Argument commenced by Mr. H. M. Garwood for the plaintiffs in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 22, will be as follows: Nos. 207, 208, 210, 211, 212, 213, 214, 215, 217 and 218.

O

SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, APRIL 22, 1908.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

Hugh Govern, jr., of Washington, D. C., T. Frank Noonan of Boston, Mass., John Miner of Detroit, Mich., Curtis Nye Smith of Boston, Mass., and William E. Richardson of Washington, D. C., were admitted to practice.

No. 214. The Missouri Pacific Railway Company, plaintiff in error, *v.* The Larabee Flour Mills Company. Continued per stipulation.

No. 207. The Galveston, Harrisburg & San Antonio Railway Company et al., plaintiffs in error, *v.* The State of Texas. Argument continued by Mr. H. M. Garwood for the plaintiffs in error, by Mr. William E. Hawkins and Mr. Robert Vance Davidson for the defendant in error, and concluded by Mr. Maxwell Evarts for the plaintiffs in error.

No. 208. Jarib L. Sanderson, surviving partner, etc., appellant, *v.* The United States et al. Argument commenced by Mr. Jackson H. Ralston for the appellant, and continued by Mr. Assistant Attorney-General John G. Thompson for the appellees.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 23, will be as follows: Nos. 208, 210, 211, 212, 213, 215, 217, 218, 219 and 220.

O

SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 23, 1908.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

Francis W. Aymar of New York City, Michael B. Feeney of New York City, and George H. Gifford of Tipton, Ind., were admitted to practice.

No. 208. Jarib L. Sanderson, surviving partner, etc., appellant, *v.* The United States et al. Argument continued by Mr. Assistant Attorney-General John G. Thompson for the appellees, and concluded by Mr. William E. Richardson for the appellant.

No. 210. Globe Newspaper Company, plaintiff in error, *v.* George H. Walker et al. Argued by Mr. William Quimby for the plaintiff in error, and Mr. H. L. Boatwell for the defendants in error.

No. 211. Herman Frasch, appellant and plaintiff in error, *v.* Frederick I. Allen, Commissioner of Patents. Resignation of Frederick I. Allen as Commissioner of Patents suggested and appearance of Edward B. Moore, his successor in office, as the party appellee and defendant in error herein filed and entered on motion of Mr. Charles J. Hedrick for the appellant and plaintiff in error.

No. 211. Herman Frasch, appellant and plaintiff in error, *v.* Edward B. Moore, Commissioner of Patents. Argument commenced by Mr. Charles J. Hedrick for the appellant and plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, April 24, will be as follows: Nos. 211, 212, 213, 215, 217, 218, 219, 220, 221 and 226.

O

SUPREME COURT OF THE UNITED STATES.

FRIDAY, APRIL 24, 1908.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

William C. Smith of Baltimore, Md., Christopher T. Callahan of Holyoke, Mass., Orris P. Cobb of Cincinnati, Ohio, and William A. Stewart of Dunn, N. C., were admitted to practice.

No. 226. *J. N. Seale, plaintiff in error, v. The State of Georgia.* In error to the supreme court of the State of Georgia. Upon suggestion of death of plaintiff in error by Mr. W. A. Henderson of counsel for plaintiff in error, case abated and writ of error dismissed.

No. 211. *Herman Frasch, appellant and plaintiff in error, v. Edward B. Moore, Commissioner of Patents.* Argument continued by Mr. Charles J. Hedrick for the appellant and plaintiff in error, by Mr. Solicitor-General Hoyt for the appellee and defendant in error, and concluded by Mr. Charles J. Hedrick for the appellant and plaintiff in error.

No. 212. *Continental Wall Paper Company, petitioner, v. The Lewis Voight & Sons Company.* Argument commenced by Mr. Louis Marshall for the petitioner, and continued by Mr. Orris P. Cobb and Mr. Morison R. Waite for the respondent.

Adjourned until Monday next at 12 o'clock.

The day call for Monday, April 27, will be as follows: Nos. 212, 213, 215, 217, 218, 219, 220, 221, 228 and 229.

O

SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 27, 1908.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

J. C. Floyd of Yellville, Ark., Charles Robert Snyder of Atlantic Highlands, N. J., Louis Staneslaus Burdett of New York City, Charles M. Wilson of Grand Rapids, Mich., William C. Johns of Decatur, Ill., Samuel L. Powers of Boston, Mass., Arthur T. Dumenil of Bartlesville, Okla., Edmond K. Pendergast of Conconully, Wash., Ely Rosenberg of New York City, and Arnold Charles Weil of New York City were admitted to practice.

No. 203. The Central Railroad Company of New Jersey, plaintiff in error, *v.* The Mayor, etc., of Jersey City et al. In error to the court of errors and appeals of the State of New Jersey. Judgment affirmed with costs. Opinion by Mr. Justice Holmes.

No. 649. Frederick Lang, plaintiff in error, *v.* The State of New Jersey. In error to the court of errors and appeals of the State of New Jersey. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 156. J. G. Bogard et al., appellants, *v.* F. H. Sweet et al. Appeal from the supreme court of the Territory of Oklahoma. Decree affirmed with costs and cause remanded to the supreme court of the State of Oklahoma. Opinion by Mr. Justice Harlan.

The Chief Justice announced that the call of the docket will be suspended on Friday, May 1; that the court will take a recess on Monday, May 4, to Monday, May 18, and from Monday, May 18, to Monday, June 1, on which day it will adjourn for the term.

The Chief Justice also announced the following orders of the court:

Nos. 274 and 294. The New York Central and Hudson River Railroad Company, plaintiff in error, *v.* The United States. Motion to advance granted and cases assigned for argument as one case on the first Tuesday of the next term (October 13) after the cases already set down for that day.

No. 624. The United States, plaintiff in error, *v.* The New York Central and Hudson River Railroad Company. Motion to advance granted and case assigned for argument on the first Tuesday of the next term (October 13) after the cases already set down for that day.

No. 277. Ontario Land Company, plaintiff in error, *v.* Jay Yordy et ux. Motion to dismiss postponed to the hearing of the case on its merits.

No. 718. Gustav Holmgren, petitioner. *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit granted.

No. 647. The Board of County Commissioners of Freeborn County, Minn., petitioner, *v.* The Interstate Drainage Investment Company. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 692. Victor A. Cook, petitioner. *v.* Mobile, Jackson & Kansas City Railroad Company. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 717. Martin W. Stewart et al., petitioners, *v.* The Board of Trustees of Park College et al. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 171. The Savings Deposit Bank & Trust Company of Elyria, Ohio, appellant, *v.* Nathan Loeser, trustee of the estate of Cassie L. Chadwick, bankrupt. Appeal from the United States circuit court of appeals for the sixth circuit. *Per curiam*: Appeal dismissed for the want of jurisdiction. Chapman, trustee, etc., *v.* Bowen, 207 U. S., 89; and see *Bank v. Klug*, 186 U. S., 202. General Order 35.

No. 731. The United States, petitioner. *v.* John W. Dickinson. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit submitted by Mr. Solicitor-General Hoyt and Mr. Asa P. French for the petitioner, and by Mr. Frank W. Hackett for the respondent.

No. 726. Grace Gleason et al., petitioners, *v.* The Delaware, Lackawanna and Western Railroad Company. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. John W. Griggs for the petitioners, and by Mr. John G. Johnson for the respondent.

No. 719. G. & C. Merriam Co., petitioner, *v.* George W. Ogilvie. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit submitted by Mr. William B. Hale, Mr. Charles N. Judson and Mr. Frank F. Reed for the petitioner.

No. 9, Original. State of Louisiana, complainant, *v.* James R. Garfield, Secretary of the Interior, et al. Demurrer assigned for argument on the first Tuesday of the next term (October 13) after the cases already set down for that day, on motion of Mr. George H. Lamar for the complainant.

No. 727. The Waters-Pierce Oil Company, plaintiff in error, *v.* The State of Texas. Motion to advance submitted by Mr. A. S. Burleson in behalf of counsel for defendant in error.

No. 728. The Waters-Pierce Oil Company, plaintiff in error, *v.* The State of Texas. Motion to dismiss submitted by Mr. A. S. Burleson in behalf of Mr. R. V. Davidson, Mr. Jewel P. Lightfoot, Mr. T. W. Gregory and Mr. G. W. Allen for the defendant in error in support of motion, the submission of which motion was opposed

by Mr. J. L. Thorndike for the plaintiff in error for want of proper notice. Motion to advance, in the event that the motion to dismiss is overruled, submitted by Mr. A. S. Burleson in behalf of counsel for the defendant in error.

No. 159. E. J. Cotton et al., plaintiffs in error, *v.* The Territory of Hawaii, by C. S. Holloway, superintendent of public works;

No. 234. Honolulu Rapid Transit and Land Company, plaintiff in error, *v.* James L. Holt, assessor;

No. 235. Honolulu Rapid Transit and Land Company, appellant, *v.* James L. Holt, assessor;

No. 241. Morita Keizo, plaintiff in error, *v.* William Henry, high sheriff, etc.;

No. 244. James L. Holt, tax assessor, etc., plaintiff in error, *v.* Inter-Island Steam Navigation Company (Limited); and

No. 263. Hannah Futchie et al., appellants, *v.* Cecil Brown et al., executors, etc. Assigned for argument on the first Tuesday of the next term (October 13) after the cases already set down for that day, on motion of Mr. M. F. Prosser of counsel for defendants in error and appellee in Nos. 159, 234, 235, 241, and plaintiff in error in No. 244.

No. 714. Green County, Kentucky, petitioner, *v.* Mary Amis Quinlan, executrix, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. Ernest Macpherson for the petitioner, and by Mr. Edmund F. Trabue, Mr. George Durelle and Mr. Attila Cox, jr., for the respondent.

No. 715. Green County, Kentucky, petitioner, *v.* John Thomas, executor, et al. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. Ernest Macpherson for the petitioner, and by Mr. Alexander Pope Humphrey for the respondents.

No. 713. Fulgencio Segrera et al., petitioners, *v.* The Steamship Fri, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Arnold Charles Weil and Mr. J. Parker Kirilin for the petitioners, with leave to counsel for the respondent to file brief within one week.

No. 699. Hygienic Chemical Company et al., petitioners, *v.* Rumford Chemical Works. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Charles Henry Butler in behalf of Mr. Willard Parker Butler and Mr. Edwin T. Rice for the petitioners, and by Mr. Philip Mauro and Mr. C. A. L. Massie for the respondent.

No. 732. Lemert S. Cook, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. A. M. Imbrie for the petitioner, and by Mr. Solicitor-General Hoyt for the respondent.

No. 735. James A. Shine et al., petitioners, *v.* Fox Brothers Manufacturing Company. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr.

Shepard Barclay, Mr. Thomas T. Fauntleroy and Mr. Cornelius H. Fauntleroy for the petitioners, with leave to counsel for the respondent to file brief within one week.

No. 357. Henry Clay Pierce, appellant, *v.* Edmund P. Creecy, chief of police, etc. Time in which to file additional brief herein extended for two days on motion of Mr. Shepard Barclay for the appellee.

No. 287. Morris Rosenfield et al., plaintiffs in error, *v.* The Commonwealth of Kentucky, by T. C. Albritton, revenue agent. In error to the court of appeals of the State of Kentucky. Dismissed with costs per stipulation.

No. 212. Continental Wall Paper Company, petitioner, *v.* The Lewis Voight & Sons Company. Argument concluded by Mr. Morrison R. Waite for the respondent.

No. 680. James S. Yeates, appellant, *v.* George B. Roberson, sheriff, etc. Argued by Mr. John Randolph Cooper for the appellant, and submitted by Mr. John C. Hart for the appellee.

No. 213. The Cleveland, Cincinnati, Chicago & St. Louis Railway Company, plaintiff in error, *v.* Robert L. Porter et al. Argued by Mr. Frank L. Littleton for the plaintiff in error, and by Mr. George H. Gifford for the defendants in error.

No. 215. Thomas J. Fauntleroy, plaintiff in error, *v.* J. J. Lum. Motion to amend writ of error by changing the name of Thomas J. Fauntleroy to Thomas T. Fauntleroy granted on motion of Mr. Shepard Barclay for the plaintiff in error.

No. 215. Thomas T. Fauntleroy, plaintiff in error, *v.* J. J. Lum. Argument commenced by Mr. Shepard Barclay for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Tuesday, April 28, will be as follows: Nos. 215, 217, 218, 219, 220, 221, 228, 229, 230 and 231.

SUPREME COURT OF THE UNITED STATES.

TUESDAY, APRIL 28, 1908.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

James L. Gerry of Washington, D. C., William D. Snow of Hackensack, N. J., John Kennish of Jefferson City, Mo., and George B. Edgerton of St. Paul, Minn., were admitted to practice.

No. 735. James A. Shine et al., plaintiffs in error, *v.* Fox Brothers Manufacturing Company. One week additional time allowed to counsel for respondent to file brief herein and three days thereafter allowed to counsel for petitioners to file reply brief, on motion of Mr. Shepard Barclay for petitioners.

No. 230. Annie Kealoha et al., appellants, *v.* William R. Castle, trustee, etc. Submitted by the appellants pro se, and by Mr. A. G. M. Robertson and Mr. David L. Withington for the appellee.

No. 231. The Kansas City Northwestern Railroad Company, appellant, *v.* Frederick Zimmerman, administrator, etc. Submitted by Mr. B. P. Waggener for the appellant, and by Mr. John H. Atwood for the appellee.

No. 215. Thomas T. Fauntleroy, plaintiff in error, *v.* J. J. Lum. Argument concluded by Mr. Shepard Barclay for the plaintiff in error, and case submitted by Mr. T. C. Catchings and Mr. O. W. Catchings for the defendant in error.

No. 217. The Mayor, etc., of the City of Knoxville, appellant, *v.* Knoxville Water Company. Argument commenced by Mr. G. W. Pickle for the appellant, continued by Mr. Joshua W. Caldwell and Mr. R. E. L. Mountcastle for the appellee, and concluded by Mr. G. W. Pickle for the appellant.

Adjourned until to-morrow at 12 o'clock.

The day call for Wednesday, April 29, will be as follows: Nos. 218, 219, 220, 221, 228, 229, 233, 236, 240 and 242.

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SUPREME COURT OF THE UNITED STATES.

WEDNESDAY, APRIL 29, 1908.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

Thomas Bond of St. Louis, Mo., was admitted to practice.

No. 236. Lucinda Brandon, personally and as administratrix, etc., et al., plaintiffs in error, *v.* Newton L. Ard. Submitted by Mr. T. A. Pollock for the plaintiffs in error, and by Mr. Oscar Foust for the defendant in error.

No. 218. The Mobile, Jackson and Kansas City Railroad Company et al., plaintiffs in error, *v.* The State of Mississippi et al. Argument commenced by Mr. William Hepburn Russell for the plaintiffs in error, continued by Mr. Hannis Taylor and Mr. R. V. Fletcher for the defendants in error, and concluded by Mr. William Hepburn Russell for the plaintiffs in error.

No. 219. Delmar Jockey Club, plaintiff in error, *v.* State of Missouri, on the relation of the Attorney-General. Argument commenced by Mr. Thomas Bond for the plaintiff in error, and continued by Mr. John Kennish for the defendant in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Thursday, April 30, will be as follows: Nos. 219, 220, 221, 228, 229, 233, 240, 242, 243 and 245.

O

SUPREME COURT OF THE UNITED STATES.

THURSDAY, APRIL 30, 1908.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

James R. Caton of Alexandria, Va., and Clark Burton Hines of Belleville, Ohio, were admitted to practice.

No. 219. Delmar Jockey Club, plaintiff in error, *v.* State of Missouri on the relation of the attorney-general. Argument concluded by Mr. Thomas Bond for the plaintiff in error. Leave granted to counsel for the plaintiff in error to file a reply brief within one week.

No. 220. Albert W. Brown, plaintiff in error, *v.* The Estate of George N. Fletcher. Argument commenced by Mr. John Miner for the plaintiff in error, continued by Mr. Henry M. Campbell for the defendant in error, and concluded by Mr. Harrison Geer for the plaintiff in error.

No. 221. First National Bank of Decatur, plaintiff in error, *v.* Albert G. Henry. Argument commenced by Mr. Hannis Taylor for the plaintiff in error.

Adjourned until to-morrow at 12 o'clock.

The day call for Friday, May 1, will be as follows: Nos. 221, 228, 229, 233, 240, 242, 243, 245, 246 and 248.

O

SUPREME COURT OF THE UNITED STATES.

FRIDAY, MAY 1, 1908.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

Emil C. Wetten of Chicago, Ill., R. E. Lee Marshall of Baltimore, Md., C. C. Hains of Decatur, Ala., Holmes V. M. Dennis, jr., of New York City, J. C. Thompson of Oshkosh, Wis., E. O. Patterson of Washington, D. C., Oscar D. Olmstead of Waterloo, Iowa, Howard Thompson Wilcoxon of Chicago, Ill., and J. Hanson Thomas of Baltimore, Md., were admitted to practice.

No. 221. First National Bank of Decatur, plaintiff in error, *v.* Albert G. Henry. Argument continued by Mr. Hannis Taylor for the plaintiff in error, by Mr. Amos E. Goodhue for the defendant in error, and concluded by Mr. E. W. Godbey for the plaintiff in error.

No. 228. The American Surety Company of New York, plaintiff in error, *v.* The Akron Savings Bank Company et al. Continued per stipulation.

Adjourned until Monday next at 12 o'clock.

The day call has been suspended for the term.

O

SUPREME COURT OF THE UNITED STATES.

MONDAY, MAY 4, 1908.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

Richard Penhallow Evans of Washington, D. C., and Maurice P. Davidson of New York City were admitted to practice.

No. 353. Daniel B. Scully et al., appellants, *v.* Arthur C. Bird. Appeal from the circuit court of the United States for the eastern district of Michigan. Decree reversed with costs and cause remanded for further proceedings. Opinion by Mr. Justice McKenna. Mr. Justice Harlan concurs in the decree.

No. 440. The St. Paul, Minneapolis and Manitoba Railway Company, plaintiff in error, *v.* John R. Donohue. In error to the supreme court of the State of Minnesota. Judgment affirmed with costs. Opinion by Mr. Justice White. Dissenting: Mr. Chief Justice Fuller, Mr. Justice Brewer and Mr. Justice Moody.

No. 178. Empire State Cattle Company et al., petitioners, *v.* The Atchison, Topeka and Santa Fe Railway Company; and

No. 179. The Minnesota and Dakota Cattle Company, petitioners, *v.* The Atchison, Topeka and Santa Fe Railway Company. On writs of certiorari to the United States circuit court of appeals for the eighth circuit. Judgments affirmed with costs and causes remanded to the circuit court of the United States for the district of Kansas. Opinion by Mr. Justice White.

The Chief Justice announced the following orders of the court:

No. 699. Hygienic Chemical Company et al., petitioners, *v.* Rumford Chemical Works. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit granted.

No. 714. Green County, Kentucky, petitioner, *v.* Mary Amis Quinlan, executrix, etc.; and

No. 715. Green County, Kentucky, petitioner, *v.* John Thomas' executor et al. Petitions for writs of certiorari to the United States circuit court of appeals for the sixth circuit granted.

No. 731. The United States, petitioner, *v.* John W. Dickinson. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit granted.

No. 719. G. & C. Merriam Company, petitioner, *v.* George W. Ogilvie. Petition for a writ of certiorari to the United States circuit court of appeals for the first circuit denied.

No. 726. Grace Gleason et al., petitioners, *v.* The Delaware, Lackawanna & Western Railroad Company. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 732. Lemert S. Cook, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 727. The Waters-Pierce Oil Company, plaintiff in error, *v.* The State of Texas. Motion to advance granted and cause assigned for argument on the first Tuesday of the next term (October 13) after the cases already set down for that day.

No. 728. The Waters-Pierce Oil Company, plaintiff in error, *v.* The State of Texas. Motion to advance granted and cause assigned for argument on the first Tuesday of the next term (October 13) after the cases already set down for that day. Motion to dismiss postponed to the hearing of the case on its merits.

No. 680. James S. Yeates, appellant, *v.* George B. Roberson, sheriff, etc. Appeal from the district court of the United States for the southern district of Georgia. Final order affirmed.

No. 4, Original. Commonwealth of Virginia, complainant, *v.* State of West Virginia. Order entered as to taking of testimony and that counsel suggest name of person to be appointed master herein on or before Monday, May 18, etc.

No. 5, Original. The United States of America, complainant, *v.* John F. Shipp et al. Motion for leave to take additional testimony herein and for the reappointment of James D. Maher as commissioner submitted by Mr. Solicitor-General Hoyt for the complainant.

No. 725. The Novelty Tufting Machine Company, petitioner, *v.* The Champion Bed Lounge Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit submitted by Mr. Everett Dufour in behalf of Mr. Walter F. Murray for the petitioner, and by Mr. Arthur Stem for the respondent.

No. 662. Edward H. Harriman, appellant, *v.* The Interstate Commerce Commission;

No. 663. Otto H. Kahn, appellant, *v.* The Interstate Commerce Commission; and

No. 664. The Interstate Commerce Commission, appellant, *v.* Edward H. Harriman. Motion to advance submitted by Mr. John H. Marble, Mr. Frank B. Kellogg and Mr. C. A. Severance for the Interstate Commerce Commission.

No. 582. William E. Rakes, plaintiff in error, *v.* The United States. Motion for leave to proceed in forma pauperis submitted by Mr. Valler R. Staples for the plaintiff in error.

No. 736. Southern Railway Company, petitioner, *v.* Mrs. Josephine King; and

No. 737. Southern Railway Company, petitioner, *v.* Inez King, by her next friend, Mrs. Josephine King. Petitions for writs of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. W. A. Henderson and Mr. J. J. Strickland for the petitioner, and by Mr. Charles D. Hill for the respondents.

No. 398. B. Pendleton Ferriday et al., appellants, *v.* The Middlesex Banking Company et al. Motion to dismiss submitted by Mr. H. R. Boyd and Mr. Edgar H. Farrar for the appellees in support of motion, and by Mr. Wade R. Young for the appellants in opposition thereto.

No. 716. Eugene Martin, petitioner, *v.* Richard T. Wilson, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Frederick D. McKenney in behalf of Mr. William J. Harding for the petitioner, and by Mr. John G. Milburn for the respondent.

No. 18, Original. *Ex parte:* In the matter of The Perth Amboy Dry Dock Company, petitioner. Submitted on return to rule by Mr. James D. Dewell, jr., for the petitioner, and by Mr. Charles R. Snyder for the respondent.

Adjourned until Monday, May 18, at 12 o'clock.

SUPREME COURT OF THE UNITED STATES.

MONDAY, MAY 18, 1908.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

Alton B. Parker of New York City, William A. De Ford of New York City, Charles G. Hutchinson of Chicago, Ill., Isaac Barth of St. Johns, Ariz., C. D. Walker of Atchison, Kans., William P. Burr of New York City, Alex. C. Birch of Birmingham, Ala., William D. Gordon of Beaumont, Tex., Charles Woodward of Chicago, Ill., William Steell Jackson of Philadelphia, Pa., Jacob Moorner of Orangeburg, S. C., John Adams of Columbia, S. C., and Manuel Rodriguez Serra of San Juan, P. R., were admitted to practice.

No. 201. St. Louis, Iron Mountain and Southern Railway Company, plaintiff in error, *v.* Mary Taylor, administratrix, etc. In error to the supreme court of the State of Arkansas. Judgment reversed with costs and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Moody. Mr. Justice Brewer concurs in the judgment.

No. 167. In re James B. Wood and Jethro P. Henderson, petitioners. On a certificate from the United States circuit court of appeals for the eighth circuit. First and second questions answered in the affirmative. Third question answered in the negative. Opinion by Mr. Justice Day. Dissenting: Mr. Justice Brewer, Mr. Justice Peckham and Mr. Justice Moody.

No. 193. The City of St. Louis, appellant, *v.* The United Railways Company et al. Appeal from the circuit court of the United States for the eastern district of Missouri. Decree reversed with costs and cause remanded with directions to dismiss the bill. Opinion by Mr. Justice Day.

No. 194. The City of St. Louis, appellant, *v.* The St. Louis Suburban Railway Company. Appeal from the circuit court of the United States for the eastern district of Missouri. Decree reversed with costs and cause remanded with directions to dismiss the bill. Opinion by Mr. Justice Day.

No. 195. *The City of St. Louis, appellant, v. The St. Louis and Meramec River Railroad Company.* Appeal from the circuit court of the United States for the eastern district of Missouri. Decree reversed with costs and cause remanded with directions to dismiss the bill. Opinion by Mr. Justice Day.

No. 206. *The Old Dominion Copper Mining and Smelting Company, petitioner, v. Frederick Lewisohn et al., executors, etc.* On writ of certiorari to the United States circuit court of appeals for the second circuit. Decree affirmed with costs and cause remanded to the circuit court of the United States for the southern district of New York. Opinion by Mr. Justice Holmes.

No. 207. *The Galveston, Harrisburg & San Antonio Railway Company et al., plaintiffs in error, v. The State of Texas.* In error to the supreme court of the State of Texas. Judgment reversed with costs and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice Harlan, Mr. Chief Justice Fuller, Mr. Justice White and Mr. Justice McKenna.

No. 215. *Thomas T. Fauntleroy, plaintiff in error, v. J. J. Lum.* In error to the supreme court of the State of Mississippi. Judgment reversed with costs and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Holmes. Dissenting: Mr. Justice White, Mr. Justice Harlan, Mr. Justice McKenna and Mr. Justice Day.

No. 213. *The Cleveland, Cincinnati, Chicago & St. Louis Railway Company, plaintiff in error, v. Robert L. Porter et al.* In error to the appellate court of the State of Indiana. Judgment affirmed with costs. Opinion by Mr. Justice McKenna. (Mr. Justice Holmes took no part in the decision of this case.)

No. 218. *The Mobile, Jackson & Kansas City Railroad Company et al., plaintiffs in error, v. The State of Mississippi et al.* In error to the supreme court of the State of Mississippi. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 198. *Boston and Maine Railroad, petitioner, v. John N. Gokey.* On writ of certiorari to the United States circuit court of appeals for the second circuit. Judgment affirmed with costs and cause remanded to the circuit court of the United States for the district of Vermont. Opinion by Mr. Justice Peckham.

No. 208. *Jarib L. Sanderson, surviving partner, etc., appellant, v. The United States et al.* Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Peckham.

No. 33. *George Deslions et al., petitioners, v. La Compagnie Générale Transatlantique, owner, etc.* On writs of certiorari to the United States circuit court of appeals for the second circuit. Decree affirmed, each party to pay its own costs, and cause remanded to the district court of the United States for the southern district of New York. Opinion by Mr. Justice White.

No. 170. James Farrel, plaintiff in error, *v.* James M. Lockhart, administrator, etc. In error to the supreme court of the State of Utah. Judgment reversed with costs and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice White.

No. 230. Annie Kealoha et al., appellants, *v.* William R. Castle, trustee. Appeal from the supreme court of the Territory of Hawaii. Decree affirmed with costs. Opinion by Mr. Justice White.

No. 220. Albert W. Brown, plaintiff in error, *v.* The Estate of George N. Fletcher, deceased. In error to the supreme court of the State of Michigan. Judgment affirmed with costs. Opinion by Mr. Justice Brewer.

No. 164. W. H. Gazlay et al., appellants, *v.* Fletcher R. Williams, trustee, etc. Appeal from the United States circuit court of appeals for the sixth circuit. Decree affirmed with costs and cause remanded to the district court of the United States for the southern district of Ohio. Opinion by Mr. Chief Justice Fuller. (Mr. Justice White concurs in the result.)

No. 569. Reuben Quickbear et al., appellants, *v.* Francis E. Leupp, Commissioner, etc., et al. Appeal from the court of appeals of the District of Columbia. Decree affirmed with costs. Opinion by Mr. Chief Justice Fuller.

The Chief Justice also announced the following orders of the court:

No. 713. Fulgencio Segrera et al., petitioners, *v.* The Steamship Fri, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 735. James A. Shine et al., petitioners, *v.* Fox Brothers Manufacturing Company. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit denied.

No. 716. Eugene Martin, petitioner, *v.* Richard T. Wilson, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 725. The Novelty Tufting Machine Company, petitioner, *v.* The Champion Bed Lounge Company et al. Petition for a writ of certiorari to the United States circuit court of appeals for the sixth circuit denied.

No. 736. Southern Railway Company, petitioner, *v.* Mrs. Josephine King; and

No. 737. Southern Railway Company, petitioner, *v.* Inez King, etc. Petitions for writs of certiorari to the United States circuit court of appeals for the fifth circuit granted.

No. 5, Original. The United States of America, complainant, *v.* John F. Shipp et al. Motion for leave to take additional testimony granted and James D. Maher appointed commissioner to take the same. Due notice of the names of the particular defendants affected

by the proposed evidence to be given and leave granted to give rebuttal evidence.

No. 398. B. Pendleton Ferriday et al., appellants, *v.* The Middlesex Banking Company et al. Appeal from the circuit court of the United States for the western district of Louisiana. Dismissed with costs.

No. 582. William E. Rakes, plaintiff in error, *v.* The United States. Motion for leave to proceed in forma pauperis granted.

No. 662. Edward H. Harriman, appellant, *v.* The Interstate Commerce Commission;

No. 663. Otto H. Kahn, appellant, *v.* The Interstate Commerce Commission; and

No. 664. The Interstate Commerce Commission, appellant, *v.* Edward H. Harriman. Motion to advance granted and cases assigned for argument as one case on the first Tuesday of the next term (October 13) after the cases already set down for that day.

No. 771. The United States, petitioner, *v.* Charles R. Evans et al. Petition for a writ of certiorari to the court of appeals of the District of Columbia submitted by Mr. Solicitor-General Hoyt for the petitioner.

No. 779. The United States, petitioner, *v.* The Buehne Steel Wool Company. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Solicitor-General Hoyt and Mr. Assistant Attorney-General Sanford for the petitioner, with leave to Mr. A. H. Washburn for the respondent to file brief on or before Saturday.

No. 750. R. Flores Magon et al., appellants, *v.* The United States. Motion for reduction of bail and to be enlarged on recognizance submitted by Mr. Halvor Steenerson for the appellants, and by Mr. Solicitor-General Hoyt for the appellee in opposition to the motion.

No. 763. D. S. Hesse & Brother, petitioners, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. A. H. Washburn for the petitioners, and by Mr. Solicitor-General Hoyt for the respondent.

No. 738. The Pullman Company, petitioner, *v.* Willie C. Bacon. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. John B. Knox for the petitioner, and by Mr. Joseph J. Willett and Mr. Alex. C. Birch for the respondent.

No. 351. Western Loan and Savings Company, plaintiff in error, *v.* Butte and Boston Consolidated Mining Company. Leave granted to file a reply brief herein on motion of Mr. W. C. Sullivan in behalf of counsel for plaintiff in error.

No. 766. R. R. Hazlewood et al., petitioners, *v.* Annie E. Snow et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. A. S. Burleson in behalf of Mr. Horace Chilton for certain petitioners, by Mr. R. R. Hazlewood pro se, and by Mr. W. D. Gordon for the respondents.

No. 777. Arthur McMullen, petitioner, *v.* The O'Rourke Engineering Construction Company. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. John M. Coit in behalf of Mr. Livingston Gifford and Mr. J. Edgar Bull for the petitioner.

No. 776. George H. Ballantine et al., petitioners, *v.* George G. Frelinghuysen et al. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. Malcolm Lloyd, jr., Mr. John G. Johnson and Mr. Reynolds D. Brown for the petitioners, and by Mr. John O. H. Pitney for the respondents.

No. 757. Nollman & Company, appellant, *v.* Wentworth Lunch Company. Petition for a writ of certiorari submitted by Mr. H. Winship Wheatley in behalf of Mr. Maurice P. Davidson for the appellant.

No. 768. James G. Lowdon, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. W. L. Crawford for the petitioner, and by Mr. Solicitor-General Hoyt for the respondent.

No. 773. William R. Willcox et al., etc., appellants, *v.* Consolidated Gas Company of New York;

No. 774. The City of New York, appellant, *v.* Consolidated Gas Company of New York; and

No. 775. William S. Jackson, as attorney-general, etc., appellant, *v.* Consolidated Gas Company of New York. Advanced and assigned for argument on the first Tuesday of the next term (October 13), after the cases already set down for that day, on motion of Mr. Alton B. Parker, Mr. A. R. Page and Mr. Edward B. Whitney for the appellants.

No. 609. Robert R. Prentis et al., etc., appellants, *v.* Louisville & Nashville Railroad Company. Advanced and assigned for argument on the first Tuesday of the next term (October 13) with Nos. 606, 607, 608, 610 and 611 as one case, on motion of Mr. W. A. Henderson in behalf of counsel.

No. 770. The Western Transit Company, petitioner, *v.* John Crosby Brown. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Harvey D. Goulder, Mr. S. H. Holding, and Mr. Frank S. Masten for the petitioner, and by Mr. Harrington Putnam and Mr. Frederick M. Brown for the respondent.

No. 729. Ajax Metal Company, petitioner, *v.* Brady Brass Company. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit submitted by Mr. A. B. Stoughton and Mr. John G. Johnson for the petitioner, and by Mr. Frank H. Platt for the respondent.

No. 761. Della B. Sweeting, petitioner, *v.* The Steamer Western States, etc. Petition for a writ of certiorari to the United States

circuit court of appeals for the second circuit submitted by Mr. J. H. Metcalf for the petitioner, and by Mr. Adelbert Moot for the respondent.

No. 4, Original. Commonwealth of Virginia, complainant, *v.* The State of West Virginia. Names of suitable persons to be appointed master herein submitted for the complainant and for the defendant. Motion to modify decree of reference submitted by Mr. John G. Carlisle for the defendant, with leave to Mr. Holmes Conrad to reply thereto.

No. 387. Sucrierie Centrale "Coloso" de Porto Rico, plaintiff in error, *v.* Jose Francisco Esteves. In error to the district court of the United States for Porto Rico. Dismissed with costs on motion of Mr. Frederic D. McKenney for the plaintiff in error.

No. 764. The City of Omaha, petitioner, *v.* Omaha Water Company, Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. John L. Webster and Mr. C. C. Wright for the petitioner, and by Mr. Howard Mansfield and Mr. R. S. Hall for the respondent.

No. 526. Bernarr MacFadden, plaintiff in error, *v.* The United States. In error to the district court of the United States for the district of New Jersey. Dismissed on motion of counsel for plaintiff in error.

No. 676. Citizens' National Bank of Louisville, appellant, *v.* S. W. Hager, auditor of public accounts of the State of Kentucky et al. Appeal from the United States circuit court of appeals for the sixth circuit. Dismissed with costs on motion of counsel for the appellant.

Adjourned until Monday, June 1, at 12 o'clock.

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SUPREME COURT OF THE UNITED STATES.

MONDAY, JUNE 1, 1908.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Day and Mr. Justice Moody.

A. Leftwich Sinclair of Washington, D. C., G. F. Snyder of Philadelphia, Pa., George Hiram Mann of New York City, Pierre Beauregard Kennedy of St. Louis, Mo., Harry Grant Kimball of New York City, Daniel R. Williams of San Francisco, Cal., William H. Bating of Wallace, Idaho, Fred Hodges Benson of Kennedy, N. Y., Alexander Begg of New York City, Emma Helen Begg of New York City, Roderick Begg of New York City, Horace M. Havner of Marengo, Iowa, Bayard H. Paine of Grand Island, Nebr., Leslie Ammertown Davis of New York City, Thomas Davis Day, jr., of New York City, John Larkin of New York City, Lester A. Tabor of Laketon, Mich., Jacob France of Baltimore, Md., and Francis S. Pollak of New York City were admitted to practice.

No. 157. Wolfe Londoner et al., plaintiffs in error, *v.* The City and County of Denver et al. In error to the supreme court of the State of Colorado. Judgment reversed with costs and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Moody. Dissenting: The Chief Justice and Mr. Justice Holmes.

No. 357. Henry Clay Pierce, appellant, *v.* Edmund P. Creecy, chief of police, etc. Appeal from the circuit court of the United States for the eastern district of Missouri. Final order affirmed with costs. Opinion by Mr. Justice Moody.

No. 351. Western Loan & Savings Company, plaintiff in error, *v.* Butte & Boston Consolidated Mining Company. In error to the circuit court of the United States for the district of Montana. Judgment reversed with costs and cause remanded with directions to proceed in conformity with law. Opinion by Mr. Justice Day.

No. 176. The Bobbs-Merrill Company, appellant, *v.* Isidor Straus et al. as R. H. Macy & Co. Appeal from the United States circuit court of appeals for the second circuit. Decree affirmed with costs and cause remanded to the circuit court of the United States for the southern district of New York. Opinion by Mr. Justice Day.

No. 204. Charles Scribner et al., etc., appellants, *v.* Isidor Straus et al. as R. H. Macy & Co. Appeal from the United States circuit court of appeals for the second circuit. Decree affirmed with costs and cause remanded to the circuit court of the United States for the southern district of New York. Opinion by Mr. Justice Day.

No. 205. Charles Scribner's Sons (Incorporated), appellant, *v.* Isidor Straus et al. as R. H. Macy & Co. Appeal from the United States circuit court of appeals for the second circuit. Decree affirmed with costs and cause remanded to the circuit court of the United States for the southern district of New York. Opinion by Mr. Justice Day.

No. 210. Globe Newspaper Company, plaintiff in error, *v.* George H. Walker et al. In error to the circuit court of the United States for the district of Massachusetts. Judgment reversed with costs and cause remanded with directions to dismiss the action for want of jurisdiction. Opinion by Mr. Justice Day.

No. 231. The Kansas City Northwestern Railroad Company, appellant, *v.* P. A. Kelly, administrator, etc. Appeal from the circuit court of the United States for the district of Kansas. Dismissed for the want of jurisdiction. Opinion by Mr. Justice Holmes.

No. 202. Continental Paper Bag Company, petitioner, *v.* Eastern Paper Bag Company. On writ of certiorari to the United States circuit court of appeals for the first circuit. Decree affirmed with costs and cause remanded to the circuit court of the United States for the district of Maine. Opinion by Mr. Justice McKenna. Dissenting: Mr. Justice Harlan.

No. 219. Delmar Jockey Club, plaintiff in error, *v.* State of Missouri, on the relation of the attorney-general. In error to the supreme court of the State of Missouri. Dismissed for the want of jurisdiction. Opinion by Mr. Justice White.

No. 143. The Municipality of Ponce, appellant, *v.* The Roman Catholic Apostolic Church in Porto Rico. Appeal from the supreme court of Porto Rico. Decree affirmed with costs. Opinion by Mr. Chief Justice Fuller.

The Chief Justice also announced the following orders of the court:

No. 169. Eva A. Ingersall, as administratrix, etc., petitioner, *v.* Joseph A. Coram et al. The court requests counsel for the respective parties to file, on or before July 1 next, briefs on certain specified questions of law.

No. 221. First National Bank of Decatur, plaintiff in error, *v.* Albert G. Henry. In error to the supreme court of the State of Alabama. Per curiam: Dismissed with costs, on the authority of *Missouri, Kansas & Texas Ry. Co. of Texas v. Evans*, 175 U. S., 723; *Mason v. United States*, 136 U. S., 581; *Eastland v. Jones*, minor (Ala.), 275 (1824). See act of February 7, 1818, Toulmin's Digest, 448.

No. 18. Original. Ex parte: In the matter of the Perth Amboy Dry Dock Company, petitioner. Per curiam: Rule discharged and

petition dismissed without prejudice. In re Rice, 155 U. S., 402; In re N. Y. & Porto Rico Steamship Company, id., 523; In re Alix, 166 U. S., 136.

No. 750. R. Flores Magon et al., appellants, *v.* The United States. Motion for reduction of bail and to be enlarged on recognizance denied.

No. 757. Nollman & Company, appellants, *v.* Wentworth Lunch Company. Petition for writ of certiorari herein granted.

No. 764. The City of Omaha, petitioner, *v.* Omaha Water Company. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit granted.

No. 771. The United States, petitioner, *v.* Charles R. Evans et al. Petition for a writ of certiorari to the court of appeals of the District of Columbia granted.

No. 729. Ajax Metal Company, petitioner, *v.* Brady Brass Company. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 738. The Pullman Company, petitioner, *v.* Willie C. Bacon. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 761. Della B. Sweeting, petitioner, *v.* the steamer Western States, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 763. D. S. Hesse & Bro., petitioners, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 766. R. R. Hazlewood et al., petitioners, *v.* Annie E. Snow et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 768. James G. Lowdon, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit denied.

No. 770. The Western Transit Company, petitioner, *v.* John Crosby Brown. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 776. George H. Ballantine et al., petitioners, *v.* George G. Frelinghuysen et al. Petition for a writ of certiorari to the United States circuit court of appeals for the third circuit denied.

No. 777. Arthur McMullen, petitioner, *v.* The O'Rourke Engineering Construction Company. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 779. The United States, petitioner, *v.* The Buehne Steel Wool Company. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit denied.

No. 412. Rumford Chemical Works, petitioner, *v.* Hygienic Chemical Co. Order denying petition for writ of certiorari set aside

and writ of certiorari to the United States circuit court of appeals for the third circuit granted.

No. 4, original. Commonwealth of Virginia, complainant, *v.* State of West Virginia. The motion to modify the decree of reference is sustained so far as to make the first line of paragraph 2 read "The extent and assessed valuation," and the motion to modify is in all other respects overruled. Mr. Charles E. Littlefield, a member of this bar, is designated and appointed as special master under the decree entered May 4, 1908.

Nos. 802, 803, and 804. Harry B. Mulford, plaintiff in error, *v.* The United States. In error to the supreme court of the Philippine Islands. Motion to docket and dismiss granted.

No. 798. The United States, petitioner, *v.* Isaac Stephenson, et al., executors, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the seventh circuit submitted by the Attorney-General and the Solicitor-General for the petitioner.

No. 170. James Farrel, plaintiff in error, *v.* James M. Lockhart, administrator, etc. Leave granted to present petition for rehearing herein on or before the first day of the next term on motion of Mr. George Sutherland in behalf of counsel.

No. 2. Leonidas M. Lawson, et al., petitioners, *v.* United States Mining Company. Petition for leave to file record and for further hearing submitted by Mr. W. B. Heyburn for the petitioners, and by Mr. George Sutherland in opposition thereto and petition denied.

No. 731. The United States, petitioner, *v.* John W. Dickinson. Motion to advance submitted by Mr. Solicitor-General Hoyt for the petitioner.

No. 771. The United States, petitioner, *v.* Charles R. Evans et al. Motion to advance to be heard after No. 731 submitted by Mr. Solicitor-General Hoyt for the petitioner.

No. 795. Eric P. Swenson et al., petitioners, *v.* John W. Cunningham et al. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. A. S. Burleson for the petitioners.

No. 207. The Galveston, Harrisburg and San Antonio Railway Company et al., plaintiffs in error, *v.* the State of Texas. Leave granted to present a petition for rehearing herein on or before the 1st of September next on motion of Mr. A. S. Burleson in behalf of counsel for defendant in error.

No. 785. American Express Company, appellant, *v.* The United States;

No. 786. National Express Company *v.* The United States;

No. 787. U. S. Express Company, appellant, *v.* The United States;

No. 788. Wells, Fargo & Company, appellant, *v.* The United States; and

No. 789. Adams Express Company, appellant, *v.* The United States. Advanced and assigned for argument as one case on the first

Tuesday of the next term (October 13) after the cases already set down for that day; on motion of Mr. Solicitor-General Hoyt in behalf of Mr. Lawrence Maxwell, jr., for the appellants.

No. 805. Quintin Gonzales, plaintiff in error, *v.* The United States;

No. 806. Gertrudis Montmola, plaintiff in error, *v.* The United States;

No. 807. Gertrudis Montmola, plaintiff in error, *v.* The United States;

No. 808. Joaquin Celis, plaintiff in error, *v.* The United States;

No. 809. Joaquin Celis, plaintiff in error, *v.* The United States; and

No. 810. C. W. Ney et al., plaintiffs in error, *v.* The United States. In error to the supreme court of the Philippine Islands. Docketed and dismissed on motion of Mr. Solicitor-General Hoyt for the defendant in error.

No. 193. The City of St. Louis, appellant, *v.* The United Railways Co. et al.;

No. 194. The City of St. Louis, appellant, *v.* The St. Louis Suburban Ry. Co.; and

No. 195. The City of St. Louis, appellant, *v.* The St. Louis & Meramec River Railroad Company. Leave granted to present a petition for rehearing herein within thirty days, on motion of Mr. Francis S. Pollak for the appellees.

No. 687. The Citizens Central National Bank of New York, plaintiff in error, *v.* R. Ross Appleton, receiver, etc. Motion to advance submitted by Mr. John W. Hutchinson, jr., for the defendant in error.

No. 811. Sol. Cohn, plaintiff in error, *v.* The State of Tennessee;

No. 812. Wm. Hartman, plaintiff in error, *v.* The State of Tennessee; and

No. 813. Charles Perkins et al., plaintiffs in error, *v.* The State of Tennessee. In error to the supreme court of the State of Tennessee. Docketed and dismissed with costs, on motion of Mr. Charles T. Cates, jr., for the defendant in error.

No. 800. Alabama National Bank of Birmingham et al., petitioner, *v.* Massasoit-Pocasset National Bank of Fall River, Mass. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. John B. Knox for the petitioner, and by Mr. R. W. Walker for the respondent.

No. 791. Southern Railway Company, petitioner, *v.* Lemon Townsend. Petition for a writ of certiorari to the United States circuit court of appeals for the fifth circuit submitted by Mr. Milton Humes and Mr. W. A. Henderson for the petitioner.

No. 783. Robert A. Graham, petitioner, *v.* The Oregon Railroad and Navigation Company. Petition for a writ of certiorari to the United States circuit court of appeals for the second circuit submitted by Mr. Charles Henry Butler in behalf of Mr. Thomas D. Rambaut and Mr. C. La Rue Munson for the petitioner, and by Mr. Maxwell Evarts for the respondent.

No. 794. Richard B. Shepard, petitioner, *v.* The United States. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. Frank S. Bright and Mr. Jesse B. Roate for the petitioners, and by Mr. Solicitor-General Hoyt for the respondent.

No. 797. Walter S. Scott et al., petitioners, *v.* Augustus L. Abbott, trustee, etc. Petition for a writ of certiorari to the United States circuit court of appeals for the eighth circuit submitted by Mr. J. J. Darlington in behalf of Mr. Joseph S. Laurie and Mr. Frederick N. Judson for the petitioners, with leave to counsel for the respondent to file brief within thirty days.

No. 769. Frederick M. Steele et al., plaintiffs in error, *v.* William Culver et al. Motions to dismiss or affirm submitted by Mr. Thomas J. Cavanaugh and Mr. L. A. Tabor for the defendants in error.

No. 814. Pedro Romero, appellant, *v.* Carlos Le Brun et al. Appeal from the district court of the United States for Porto Rico. Docketed and dismissed with costs, on motion of Mr. George H. Lamar for the appellees.

No. 784. Charles Gring, petitioner, *v.* Chesapeake & Delaware Canal Company. Petition for a writ of certiorari to the United States circuit court of appeals for the fourth circuit submitted by Mr. Jacob France and Mr. Robert H. Smith for the petitioner, and by Mr. Andrew C. Gray for the respondent.

No. 799. George F. Dunbar et al., petitioners, *v.* David H. Cascaden. Petition for a writ of certiorari to the United States circuit court of appeals for the ninth circuit submitted by Mr. H. F. Woodward in behalf of Mr. J. C. Campbell and Mr. W. H. Metson for the petitioners.

No. 221. First National Bank of Decatur, plaintiff in error, *v.* Albert G. Henry. Leave granted to present petition for rehearing herein within thirty days, on motion of Mr. Hannis Taylor for the plaintiff in error.

No. 458. Miguel Guerra, plaintiff in error, *v.* Carlos Conde. In error to the district court of the United States for Porto Rico. Dismissed with costs on authority of counsel for plaintiff in error and on motion of Mr. Frederic D. McKenney, for the defendant in error.

No. 71. Original. *Ex parte*: In the matter of William O'Gorman, jr., petitioner. Petition for writ of mandamus dismissed on motion of counsel for petitioner.

No. 314. Alfred Bergfeldt, plaintiff in error, *v.* the State of Washington. In error to the supreme court of the State of Washington. Dismissed with costs, on motion of counsel for plaintiff in error.

No. 369. The J. C. Turner Cypress Lumber Company of New Jersey and New York, plaintiff in error, *v.* Seaboard Air Line Railway. In error to the circuit court of the United States for the southern district of Florida. Dismissed with costs, on motion of counsel for the plaintiff in error.

No. 436. Samuel Burak, appellant, *v.* Milo D. Campbell, United States, marshal, etc. Appeal from the circuit court of the United States for the eastern district of Michigan. Dismissed with costs, on motion of counsel for appellant.

No. 460. The Milwaukee Rubber Works Company, petitioner, *v.* The Rubber Tire Wheel Company. On writ of certiorari to the United States circuit court of appeals for the seventh circuit. Dismissed per stipulation.

No. 712. National Bank of Kentucky, of Louisville, appellant, *v.* Frank P. James et al. Appeal from the circuit court of the United States for the eastern district of Kentucky. Dismissed with costs, on motion of counsel for the appellant.

ORDER. It is now here ordered by the court that all the cases on the docket not decided and all the other business of the term not disposed of be, and the same are hereby, continued until the next term.

Adjourned to the time and place appointed by law.

